STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
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NOTICE OF BOARD MEETING

July 30 – 31, 2008
Southern California University of Health Sciences
16200 E. Amber Valley Dr.
Building M, Room 41
Whittier, CA 90604

Wednesday, July 30, 2008
11:00 a.m. to 5:00 p.m.

AGENDA

1. **PUBLIC SESSION Call to Order**

   Frederick Lerner, D.C., Chair
   Hugh Lubkin, D.C., Vice-Chair
   Francesco Columbu, D.C., Secretary
   Jim Conran, Public Member
   Judge James Duvaras (Ret.), Public Member
   Richard Tyler, D.C., Professional Member

2. **Chair's Report**

3. **Approval of Minutes**
   A. May 22, 2008, Public Session
   B. August 16, 2007, Public Session

4. **Public Comment**

5. **Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws**

6. **Executive Officer's Report**
   A. Budget
   B. Personnel
   C. Licensing
   D. Enforcement

7. **Committee Reports**

   A. Public Relations Committee – Discussion and Possible Action
      - Contract for Public Relations

   B. Licensing Committee - Discussion and Possible Action
      - Approval by Ratification of Formerly Approved License Applications
      - License Reciprocity with Other States
      - Recognizing Chiropractic Assistants
      - Increase of License and Renewal Fees

   C. Continuing Education Committee - Discussion and Possible Action
      - Approval by Ratification of Formerly Approved Continuing Education Providers
      - Update on the Continuing Education Work Group's Proposed Regulations

D. Scope of Practice Committee - Discussion and Possible Action
- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update
- Issues Raised in "Petition to Define Practice Rights and to Amend, Repeal and/or Adopt Scope of Practice Regulations as Needed, " Submitted by David Prescott, Attorney

E. Government Relations Committee - Discussion and Possible Action
- Board Member Use of State Issued E-Mail Accounts
- Format of Meeting Minutes for Public Meetings
- Review of Chiropractic Consultant Classification

F. Legislative Committee – Discussion and Possible Action
- Senate Bill 963 (Ridley-Thomas)
- Senate Bill B 1402 (Corbett)
- Any other legislative bills of interest to the Board

8. Lunch

9. Public Comment

10. Future Agenda Items

11. Hearings re: Petition for Early Termination of Probation
- Anthony Loc Boa Nguyen
- Thomas Nutting
- Kwang E. Kim

12. CLOSED SESSION:

A. Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)

B. Evaluation of the Executive Officer
Pursuant to California Government Code Section 11126(a)

13. PUBLIC SESSION: Announcements re Closed Session

Thursday, July 31, 2008
8:00 a.m. 5:00 p.m.

14. CLOSED SESSION

A. Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions Pursuant to California Government Code Section 11126 (c)(3)
- Aster Kifle-Thompson

15. PUBLIC SESSION: Call to Order
- Announcements Re Closed Session

16. Hearings re: Petition for Early Termination of Probation
- Adam Kleinberg
- Asghar Ebadat

- James Slusher

17. **Hearings re: Petition for Reinstatement of Revoked License**
    - James Dresser
    - Paul Kobulnicky
    - Olatungie Fergusson
    - Joseph Scannell

18. **CLOSED SESSION:**

19. **Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)**

20. **PUBLIC SESSION** Announcements re Closed Session

21. **Adjournment**

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board 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 is accessible to persons who are physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
May 22, 2008
1625 North Market Blvd., Room S102
Sacramento, CA 95814

DRAFT

Board Members Present

Frederick Lerner, DC., Chair
Hugh Lubkin, D.C. Vice Chair
Francesco Columbu, D.C. Secretary
Jim Conran, Public Member
Judge Duvaras, Public Member
Richard Tyler, D. C.

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Dr. Lerner called the meeting to order at 10:36 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Chair's Report

Dr. Lerner recognized the committees for the work that they have completed, and he applauded the staff for their efforts.

Approval of Minutes

MR. CONRAN MOVED TO APPROVE THE MARCH 27, 2008 MINUTES AS AMENDED.
DR. LUBKIN SECONDED THE MOTION.
VOTE: 6-0
MOTION CARRIED

DISCUSSION:

Dr. Tyler asked that the minutes reflect his objection to Kathleen Creason's comments on the MUA discussion.

Mr. Conran stated that anyone coming to a public meeting should be able to state their opinions without being chastised by the board. Mr. Conran said it is incumbent upon the Board to welcome any public comments whether the Board agrees with the comments or not.

Dr. Lubkin said since he has been on the Board, the Board has always encouraged and welcomed public comments.

Dr. Columbu suggested that the minutes reflect more details of the discussion to ensure nothing is missed. Dr. Columbu offered an example of the comments made at the March 1, 2007, Board meeting. Mr. Conran offered to take this item up in the Government Relations Committee.

PUBLIC COMMENT:

Mr. Conran announced that Mr. David Prescott died and that he was deeply saddened by his passing and recommended that the Board send a letter to Mr. Prescott's family expressing the Board's appreciation for his tireless work on behalf of the profession.

Dr. Lerner agreed about the letter and expressed his sadness over Mr. Prescott's passing.

Dr. Lubkin asked that all Board Members have an opportunity to sign the letter.

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws.

Ms. Powell just returned from family medical leave and did not have a topic for this meeting. Ms. Powell stated she has discussed and trained the Board on every aspect of the Bagley-Keene Act over the past year and at this point will only bring up issues as needed.

Mr. Conran recommended that this subject remain on future agendas items for new Board Members.

Dr. Lubkin asked how a Board Member recuses themselves from an item? Ms. Powell said the Board Member would need to say he or she was going to recuse themselves and disclose the reasons why. During close session the minutes must reflect that the Board Member left the room and when the Board Member returned. During open sessions, the Board Member can remain in the hearing but cannot participate in the discussion.

Executive Officer's Report

Mr. Stiger discussed the status of the current year budget and the results of the budget hearings for next fiscal year. Both the Assembly and Senate budget committees approved our 08/09 budget, which included an additional 15% for six investigator positions.

Mr. Stiger discussed a new organizational chart effective July 1, 2008, and an update of the filling vacant positions.

Judge Duvaras asked if staffing levels have increased under the current Executive Officer. Mr. Stiger explained that with the six additional field investigator positions the staffing level has indeed increased. Judge Duvaras asked if Mr. Stiger had an assistant. Mr. Stiger stated that he does not have an assistant but will consider creating a position as the program grows.

Dr. Lubkin asked if our staffing levels justified additional managers. Mr. Stiger explained that he submitted packages to add two managers. These packages were reviewed and approved by the DCA personnel office.

Mr. Stiger introduced Ray Delaney and Valerie James as the newest staff members. Dr. Lerner welcomed both to the Board.

Dr. Lubkin asked about the status of hiring the special investigators. Mr. Stiger explained that it would take about 45 days to bring on the Field Operations Manager

and the need to continue saving funds until the budget is restored. Mr. Conran asked if Mr. Stiger had a plan on hiring staff. Mr. Stiger stated he will begin recruiting for enforcement positions first and then move to licensing and administrative support.

Ms. Valencia presented licensing statistics to the Board and explained the licensing report.

Ms. Matthews presented enforcement statistics and explained both charts to the Board. Judge Duvaras asked how successful is the Board in recovering cost recovery. Mr. Stiger stated the Board is moderately successful and looking for ways to improve. Dr. Lubkin asked about the increase in section 312 violations. Mr. Stiger stated this speaks to licensees who are delinquent in renewing their licenses on time.

NBCE Delegate Selection – Information only

Dr. Lerner selected Dr. Lubkin as the delegate and Dr. Lerner as the alternate.

Citation and Fine language

Mr. Stiger stated that on January 10, 2008, the Enforcement Committee voted to recommend that the full Board approve the proposed regulatory language for cite and fine.

Mr. Conran expressed concerns that citations not be used unfairly to punish licensees and suggests

that the Enforcement Committee review the program in six months to determine its value. Dr. Lubkin as the Enforcement Committee Chair agreed to this review

Mr. Bill Howe, CCA, spoke in support.

MR. CONRAN MOVED TO ADOPT THE CITE AND FINE LANGUAGE. DR. LUBKIN SECONDED THE MOTION.

DISCUSSION: Mr. Conran asked how the fines will be determined. Ms. Powell answered that the fine limits are held in statute.

Mr. Conran asked if the Enforcement Committee will be reviewing the program to include guidance to the Executive Officer to determine the fine amounts. Dr. Lubkin stated the purpose of the regulation is to provide the Executive Officer with enforcement tool to use at his discretion to enforce the law.

Dr. Charles Davis, ICAC, spoke in support of the regulation and revisiting the program in six months to assess the effectiveness.

Bill Howe, CCA, spoke in support of the proposal.

VOTE: 6-0. MOTION CARRIED.

DR. LUBKIN MOVED TO DIRECT STAFF TO RESEARCH BUSINESS AND PROFESSIONS CODE 125.9 AND UNLESS THE STATUTE PROHIBITS THE BOARD FROM RENEWING A LICENSE IF THE FINE IS STILL OWING – IF THAT IS NOT IN 125.9, THAT LANGUAGE WILL BE PLACED IN THESE PROPOSED REGULATIONS BEFORE BEING NOTICED TO THE PUBLIC. MR. CONRAN SECONDED.

DISCUSSION: None

VOTE 6-0.

MOTION CARRIED.

Letter of Admonishment

MR. CONRAN MOVED TO APPROVE THE LANGUAGE.

DR. TYLER SECONDED THE MOTION.

DISCUSSION: Dr. Davis asked how citations and the letter of admonishment would be disclosed. Ms. Powell stated citations and the letter of admonishment are not considered discipline of the license but would be disclosed to the public on a public records request.

VOTE 6-0. MOTION CARRIED.

Bureau of State Audits Report

Dr. Lerner thanked the BSA on the completion of the audit and stated the Board began working and correcting the deficiencies before the audit was released. Dr. Lerner stated this is a new day for the BCE and we will use the audit's findings as a road map to correct the past problems.

COMMITTEE REPORTS

Legislative Committee:
Dr. Lubkin announced that the committee voted to recommend a support position on AB 450 and AB 1861. The committee voted to recommend a watch position on AB 1402 pending the outcome of anticipated amendments.

JUDGE DUVARAS MOVED TO ADOPT THE COMMITTEE'S RECOMMENDATIONS. DR. TYLER SECONDED THE MOTION.

DISCUSSION: None.

VOTE 6-0. MOTION CARRIED.

Enforcement Committee:
Dr. Lubkin announced that the committee reviewed the revised Expert Witness guidelines developed by the working group.

Dr. Lubkin stated that the committee referred the issue of chiropractic use of radiology to staff and legal counsel for review and research.

Dr. Lubkin announced that the committee voted to recommend approval of establishing permanent special investigators who are civil servants.

DR. LUBKIN MOVED TO ADOPT THE COMMITTEE'S RECOMMENDATION TO ESTABLISH SPECIAL INVESTIGATORS AND AUTHORIZE THE EXECUTIVE OFFICER TO MOVE FORWARD.

DR. COLUMBU SECONDED THE MOTION.

DISCUSSION: Mr. Conran emphasized the one purpose for moving forward with this proposal transition from private investigators to civil servants.

Judge Duvaras asked if this classification required a civil service employee. Mr. Stiger answered in the affirmative.

Dr. Davis, ICAC, asked how long it would take to remove permanent employees. Ms. Powell explained the progressive discipline process including the probationary process.

Bill Howe, CCA, spoke in support if the proposal.

VOTE 6-0.

MOTION CARRIED.

Manipulation Under Anesthesia (MUA)
Dr. Lerner announced that the committee voted to recommend adoption of the proposed regulatory language for MUA.

DR. LUBKIN MOVED TO ADOPT THE RECOMMENDATION OF THE COMMITTEE.

DR. COLUMBU SECONDED THE MOTION.

DISCUSSION: Judge Duvaras recommended that the patient complete and submit an informed consent prior to the procedure taking place. Ms. Powell agreed that it is important to distinguish the responsibilities of the chiropractor from the physician and surgeon.

DR. LUBKIN MOVED TO AMEND HIS ORIGINAL MOTION TO ADOPT THE LANGUAGE WITH THE ADDITION OF A REQUIREMENT OF THE CHIROPRACTIC DOCTOR TO RECEIVE A SIGNED WRITTEN INFORMED CONSENT FROM THE PATIENT OUTLINING THE RISK FACTORS OF THE PROCEDURE.

DISCUSSION: Judge Duvaras asked why the procedure requires two chiropractors. Dr. Lerner explained that the procedure requires two chiropractors to ensure safety. The second chiropractor assists with moving the patient and some manipulation procedures require both chiropractors.

Dr. Davis, ITC, reiterated that his suggested language be included in the proposed regulatory language.

Kristine Schultz, California Chiropractic Association, recommended a technical correction to use the term doctor of chiropractic for all chiropractic regulations.

Kathleen Creason, on behalf of the Osteopathic Physicians & Surgeons of California, opposes the proposed MUA regulations.

Dr. Tyler objected and disagreed with Ms. Creason's comments.

Mr. Conran voiced his concern for the brevity of the proposed language. Mr. Conran would have preferred more details since he is not a chiropractor.

DR. LUBKIN WITHDREW HIS AMENDED MOTION.

DR. LUBKIN MOVED THAT THE BOARD MOVE FORWARD WITH THE PROPOSED REGULATOR LANGUAGE FOR MUA IN THE BOARD PACKET AND INCLUDE THE LANGUAGE

PROVIDED BY DR. CHARLES DAVIS ON THE TYPE OF FACILITY AND LEGAL COUNSEL WILL INSERT THE PROPER REFERENCES OF THE HEALTH AND SAFETY CODE AND A PROVISION REQUIRING A WRITTEN CONSENT FROM THE PATIENT OUTLINING THE RISKS OF THE PROCEDURE PRIOR TO THE PROCEDURE BEING PERFORMED.

DR. LERNER SECONDED THE MOTION.

DISCUSSION: None

VOTE 5-0-1

MOTION CARRIED

Administrative Committee
Mr. Conran announced that the committee adopted the following recommendations:

- The Executive Officer pursue a multi-year contract with the Department of Consumer Affairs for administrative, legal, and personnel and other support services.
- Board Members receive state-issued e-mail addresses to conduct Board business.
- Revise the Board Member Administrative Manual to reflect the new officers, the standing committees, update citation of B&P Code section 453.

Mr. Conran announced that the Executive Officer terminated the contracts for two investigators after learning they were not licensed by the State of California.

MR. CONRAN MOVED THAT THE BOARD ACCEPT THE ADMINISTRATIVE COMMITTEE RECOMMENDATIONS.

DR. LUBKIN SECONDED THE MOTION.

DISCUSSION: None

VOTE 6-0

MOTION CARRIED.

Announcements

Next Board meeting is scheduled for May 22, 2008 in Sacramento.

Public Comment

Dr. Clum, Life Chiropractic College West, recommended that the enforcement information be further broken down to be more meaningful to the public and to students entering the profession.

Debra Snow expressed her positive feedback on the Board's progress and hopes the Board embraces reform efforts and improvement in accountability to the public.

Bill Howe, California Chiropractic Association, praised the Board and staff for the recent efforts over the past year given the resource shortage.

Future Agenda Items

Judge Duvaras requests the resetting of the time and location of the July and September Board meetings. He expressed concern about the expense of overnight travel and the movement of documents.

Dr. Lerner requests the Scope of Practice Committee take up the issue of chiropractic specialties.

Dr. Charles Davis, International Chiropractic Association of California, requested progress updates on the audit recommendations, chiropractic x-ray, and chiropractic specialties.

Adjournment:

Dr. Lerner adjourned the meeting at 12:27 p.m.

DRAFT

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
Thursday, August 16, 2007
10:00 a.m.
Department of Transportation
4050 Taylor Street
San Diego, CA 92110
619-220-7363

BOARD MEMBERS PRESENT

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran
Hugh Lubkin, D.C.

STAFF PRESENT

Brian J. Stiger, Acting Executive Officer
LaVonne Powell, DCA Senior Staff Counsel
Marlene Valencia, Staff Services Analyst

CALL TO ORDER

Dr. Tyler called the meeting to order at 10:05 a.m.

ROLL CALL

Dr. Columbu called the roll. All members were present with the exception of Judge Duvaras.

CLOSED SESSION

The Board went into closed session for interviews and possible selection of Executive Officer and also to deliberate on disciplinary matters.

OPEN SESSION

Dr. Tyler called the Board into open session at 10:45 a.m. All members were present with the exception of Judge Duvaras.

Dr. Tyler stated that the deliberations concerning the Executive Officer position has been postponed and will be concluded at the end of the open session meeting.

APPROVAL OF MINUTES

- June 21, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 1, 2007 open session minutes.

MR. CONRAN MOVED TO ADOPT THE JUNE 21, 2007 OPEN SESSION MINUTES. DR. LUBKIN SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

EXECUTIVE OFFICER'S REPORT

Administration

Budget Update

Mr. Stiger stated that the Budget Conference Committee proposed a cut in the Board's budget by 50%, the budget has not passed yet, however if the state budget passes in its current form, we will have to enact immediate cost-saving measures which would include a staffing reduction and a reduction in our cases that go to the Attorney General's office. Services all around would have to be cut in order to the meet the level.

Dr. Lerner asked if the Board can issue a statement on behalf of the Board. Ms. Powell suggested writing a letter to the author of the budget bill or the committee stating that cutting our budget will compromise consumer protection because we will have to cut back drastically on our enforcement activities.

DR. LERNER MOVED THAT THE BOARD SUBMIT A LETTER TO THE LEGISLATURE OR THE COMMITTEE REQUESTING EMERGENCY LEGISLATION TO THE RESTORE THE BUDGET ON THE BASIS THAT THIS IS GOING TO HARM OUR ABILITY TO PROTECT THE CONSUMER WHICH IS OUR NUMBER ONE PURPOSE. DR. LUBKIN SECONDED THE MOTION. MR. CONRAN ADDED THAT IF A LETTER IS TO BE SENT IT SHOULD ALSO BE SENT TO THE LEGISLATIVE LEADERSHIP AS WELL AS THE BUDGET CHAIR AND COPIES TO THE OVERSIGHT COMMITTEE'S AND A COPY TO THE GOVERNOR'S OFFICE. DR. LERNER ACCEPTED THE AMENDMENT. VOTE: 4-0. MR. CONRAN ABSTAINED.

Personnel Update

Mr. Stiger handed out the newest organizational chart. There is one revision to the chart that was included in the Board packet. There are a couple of changes since the last Board meeting. Lavella Matthews has been moved into an out-of-class Staff Services Manager I position. In her role, she will oversee licensing and administrative functions. The purpose of the change was to be sure that licensing had management oversight. It is currently a three month out-of-class with the ability to extend it. Mr. Stiger stated that these changes have been approved by the Consumer Affairs personnel office. As of Friday, August 10, 2007, the Chiropractic Consultant position is now vacant. At this current time, there is no plan to refill the position for a couple of reasons. One, with the budget uncertainties we should start saving money now. Second, we want to take a look at the Enforcement structure and perhaps reclassify the position in order to improve the enforcement operations. Mr. Stiger also announced the promotion of Marlene Valencia to Staff Services Analyst. She will now serve as the Board member liaison.

Mr. Conran inquired about the oversight of the Enforcement Program with the vacant consultant position and a manager that is currently working half-time. Mr. Stiger stated that he oversees the Enforcement program however; the absence of a consultant is more of an issue. Mr. Stiger has asked the Attorney General's office to provide recommendations of good, solid subject matter experts. Several of them have been contacted so that they're aware of our vacancy and that we may be requesting their assistance relating to scope of practice and quality of care questions. Mr. Stiger further stated that this may be an option to use on a permanent basis. Mr. Stiger also stated that these consultants are chiropractors and not state employees.

Dr. Tyler stated that he is thoroughly against having a chiropractic consultant again. He feels that we should aggressively contemplate going back to the way it was prior to 1995. Ms. Powell clarified how the experts would be utilized.

After discussion, it was decided to discuss the chiropractic consultant position at a future Board meeting.

Bureau of State Audits Update

Mr. Stiger reported the Bureau of State Audits have begun their process. Staff has been very responsive to their requests. It is anticipated that this audit will take approximately seven months.

Dr. Columbu suggested writing a response to the legislatures addressing the accusations against the Board. It was decided to places this topic on the agenda for the next Board meeting.

Department of Consumer Affairs

Mr. Stiger stated we just signed a contract with the Department of Consumer Affairs for administrative, legal and investigative services. The contract goes through December 31, 2007.

Dr. Lerner asked what happens to these contracted services if our budget is cut. Mr. Stiger responded that these are critical areas. He continued to state that he has identified which areas to scale back on in order to continue these services.

Enforcement

Statistics

Mr. Stiger reported that some of the enforcement cases are aged and he expects many of these cases will be completed within the next 60 days.

Board Member training on Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell clarified board member questions regarding when to recuse themselves from a case. Ms. Powell continued to provide ongoing training regarding the Bagley-Keene Open Meetings Act.

MISSION STATEMENT

After discussion on the mission statement for the Board, it was decided to table this item for a future meeting.

PROGRAM REPORTS

Licensing

License Statistics

Mr. Stiger referred to the license statistic chart for the last two years.

California Law and Professional Practices Exam (CLPPE) Statistics

Mr. Stiger referred to the CLPPE statistical chart.

DISCUSSION RE LICENSING OF CHIROPRACTIC ASSISTANTS

This item was tabled until the next Board meeting.

The Board recessed for lunch at 12:00p.m.

Dr. Tyler, D.C. called the Board into open session at 1:00 p.m. All Board members were present.

COMMITTEE REPORTS

Administrative Committee

Board Member Procedure Manual

Mr. Conran reported that the Administrative Committee met and discussed the procedure manual. There was lengthy discussion and revisions were suggested.

MR. CONRAN MOVED TO ACCEPT THE BOARD MEMBER ADMINISTRATIVE MANUAL WITH THE CORRECTIONS MADE TODAY. DR. LUBKIN SECONDED THE MOTION. VOTE: 2-3. MOTION FAILED.

MR. LERNER MOVED TO MAKE THE CHANGES AND PRESENT A FINAL DRAFT AT THE NEXT BOARD MEETING. DR. LUBKIN SECONDED THE MOTION. VOTE 5-0. MOTION CARRIED.

Ex Parte Policy re Board Member Communications

Mr. Conran stated at the Administrative Committee there was a 3-0 vote to approve the adoption of an Ex Parte Policy by the Board. The concept of an Ex Parte rule is to ensure there is transparency in communications to Board members when there is an issue on the agenda. Mr. Conran introduced Julie Fellmeth, Michael Shames and Steve Alexander to share the views on the Ex Parte Policy. All three guests shared the views on why they support adopting an Ex Parte Policy.

After a lengthy discussion, it was agreed that this item be deferred to the Administrative Committee for design of the Ex Parte and it will be brought back to the Board for further discussion.

Continuing Education Committee

Dr. Lubkin reported that the committee has had a few meetings. The committee is recommending there be due process for denials of a continuing education course. The Board will give the party notice and they will have 10-days to meet with the Executive Officer to address any concerns.

The committee also suggests the concept of having the evaluation of courses be handled by staff rather than the Board members. This will allow the Board members to work towards regulations and administrative changes to improve the process. The committee also discussed going back to a regulatory phase to increase the hours. Dr. Tyler stated that the chiropractic presence is essential in determining the educational requirements because staff is not knowledgeable of all techniques. Dr. Lubkin continued by stating that when there is a denial, the person who is denied will be notified of an exact code section that pertains to the denial.

Dr. Lerner asked the committee to discuss the acceptance of the FCLB policy. Dr. Lubkin stated the committee did discuss this issue and concluded that this needs to be part of the regulation.

MR. CONRAN MOVED TO ACCEPT THE CONTINUING EDUCATION COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

Enforcement Committee

Dr. Lubkin reported the committee discussed adding fine authority to the citation program. A letter of admonishment procedure was also discussed. Staff will prepare the language and it will be presented at the next meeting.

DR. LUBKIN MOVED TO ACCEPT THE ENFORCMENT COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

Legislative Committee

AB1137

Dr. Lerner reported that AB 1137 did not get out of the Senate, Business and Professions committee and is now dead.

SB801

Dr. Lerner gave a description of bill SB801 and reported that SB801 is moving forward. Dr. Lerner stated the based on the committee's previous recommendation the Board took a position of watch.

DR. COLUMBU MADE A MOTION TO TAKE A NEW POSITION THAT THE BOARD OPPOSES BILL SB801. DR. LERNER SECONDED THE MOTION. Mr. Conran stated that he does not agree that the Board should take opposition to the bill. Dr. Lubkin commented that taking a new position should be done carefully and suggests this go to the committee for thorough discussion. Following public comment from Charles Davis, D.C., Michael Blott, D.C., David Prescott and others, a vote was taken. **VOTE: 4-1. MOTION CARRIED.**

Dr. Lerner asked for clarification of bill SB840. Dr. Lerner recommended that this bill be looked at during the next Legislative Committee meeting.

Manipulation Under anesthesia (MUA)

Dr. Lerner reported that the committee, Mr. Stiger and Ms. Powell met with representatives from Office of Administrative Law (OAL) on July 17, 2007. Ms. Powell stated that the main fault with the way the regulations were written before was that it created a sub-category of licensure. Instead, the regulations should be focused on if you are a chiropractor, what is the standard of care if you are performing MUA. OAL stated that they would need a legal opinion that MUA is in fact, within the scope of practice for chiropractic. That is describing MUA appropriately so that its very clear that the chiropractor is performing the adjustment and is in no way directing the anesthesiologist or the physician surgeon who is sedating the patient. Ms. Powell will provide a legal opinion to the Board by the end of October.

Dr. Lerner commented that at the next MUA Committee meeting, David Prescott will give a 90-minute presentation on Scope of Practice.

DISCUSSION OF BOARD MEETING SCHEDULE AND PETITIONER HEARING DATES

Mr. Stiger indicated that the next scheduled Board meeting will be October 25, 2007. Board business will be held in the morning and petitioner hearings will be in the afternoon.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

Dr. Tyler adjourned the public meeting at 3:31 p.m.

CLOSED SESSION

The Board went into closed session for further discussion regarding the selection of Executive Officer.

The Board briefly returned to open session to announce that the position of Executive Officer has been offered to Brian J. Stiger. Mr. Stiger has temporarily accepted the position until personnel issues can be worked out.

Recruitment and Selection of Vacant Position Update
July 11, 2008

Classification	Date Advertised	Application Review	Interviews Conducted	Background Checks	Formal Offer	Start Date
Office Technician Cashier / Front Counter	04/11/08	Complete	Complete	Complete	05/01/08	05/05/08
Office Technician Licensing / CE	04/11/08	Complete	Complete	Complete	04/23/08	05/07/08
Staff Services Analyst Compliance Unit	04/11/08	Complete	Complete	Complete	05/29/08	06/26/08
Staff Services Analyst Compliance Unit	04/11/08	Complete	Complete	Complete	6/13/08	07/16/08
Staff Services Manager I Compliance Manager	04/11/08	Complete	Complete	Complete	05/27/08	07/07/08
Staff Services Manager I Lic/CE/Admin Manager	05/05/08	Complete	Complete	Complete	06/06/08	06/24/08
Sup. Spec. Investigator I Field Op. Manager	05/27/08	In Process	In Process			
Office Technician Policy / Admin	07/03/08	In Process	In Process			

Recruitment and Selection of Vacant Position Update
July 11, 2008
(Cont.)

Classification	Date Advertised	Application Review	Interviews Conducted	Background Checks	Formal Offer	Start Date
Spec. Investigator (3)	07/10/08					

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY06/07-FY07/08 COMPARISON

LICENSE TYPE	TOTAL LICENSES 6/30/08	TOTAL LICENSES 6/30/07	NET VARIANCE
CHIROPRACTOR	13816	13780	+36
SATELLITES	2360	2200	+160
CORPORATIONS	1320	1285	+35
REFERRALS	17	17	0
TOTALS	17513	17282	+231

JULY 1, 2007 – JUNE 30, 2008

LICENSE TYPE	FORFEITED LICENSES	CANCELLED LICENSES	INACTIVE LICENSES	TOTAL
CHIROPRACTOR	20	281	102	403
SATELLITES	480	1261	n/a	1741
CORPORATIONS	91	5	n/a	96
REFERRALS	0	0	n/a	0
TOTALS	591	1547	102	2240

Definitions:

Forfeiture: Occurs due to failure to renew license within 60 days of license expiration.

Cancellation: Occurs voluntarily or results from failure to renew a license within three years of forfeiture.

Compliance Unit Statistics

Fiscal Year	05/06	06/07	07/08
Complaints			
Received	764	702	665
Pending	834	729	799
Closed with Insufficient Evidence	116	131	106
Closed with No Violation	96	60	78
Closed with Merit	319	200	321
Citations Issued	36	34	28
Accusations			
Filed	45	41	14
Revoked	16	27	8
Revoked, Stayed, Probation	31	37	20
Voluntary Surrender of License	8	4	3
Dismissed/Withdrawn	0	3	4
Statement of Issues			
Filed	4	11	7
Denied	0	0	0
Probationary License	8	6	6
Withdrawn at Applicants Request	0	2	1
Granted	7	3	0
Probation Cases			
Active	188	173	159

Updated: July 23, 2008

Approval By Ratification of Formerly Approved License Applications
May 16, 2008 – July 22, 2008

Name (First, Middle, Last)			Date Issued	DC#
Jason	Everett	Miller	June 6, 2008	**30948**
Ginger	Ann	Austin	June 17, 2008	**30949**
Richard	Ward	Burg	June 17, 2008	**30950**
Hans	Michael	Castro	June 17, 2008	**30951**
Paul	Sungmin	Cho	June 17, 2008	**30952**
Luis	Esteban	Feliu	June 17, 2008	**30953**
Angela	Kathryn	Fix	June 17, 2008	**30954**
Lalanya	Katherine	Gawne	June 17, 2008	**30955**
Gurpreet	Singh	Gill	June 17, 2008	**30956**
Mark	Alan	Hamilton	June 17, 2008	**30957**
Glen	Arthur	Jukes	June 17, 2008	**30958**
Aidan	Katherine	Kinsella	June 17, 2008	**30959**
Marc	S	Kramer	June 17, 2008	**30960**
Yumiko		Muroi	June 17, 2008	**30961**
Mark	James	Sachse	June 17, 2008	**30962**
Mikael		Sveen	June 17, 2008	**30963**
Helmer	Jose	Velez	June 17, 2008	**30964**
Martine	Romi	Wayne	June 17, 2008	**30965**
Rieko		Yamaji	June 17, 2008	**30966**
David	Andrew	Yawger	June 17, 2008	**30967**
Jessie	Vivian	Young	June 17, 2008	**30968**
Theodore	Michael	Tutkaluk	July 21, 2008	**30969**
Roberta	Denise	O'Toole	July 21, 2008	**30970**
Michael	Kelly	Cramer	July 21, 2008	**30971**
Jedidiah	Todd	Smith	July 21, 2008	**30972**
Brent	Michael	Handeland	July 21, 2008	**30973**
Tina		Alamian	July 21, 2008	**30974**
Kyle	Marie	Burke	July 21, 2008	**30975**
Antonio	Eduardo	Maya	July 21, 2008	**30976**
Matthew	Todd	Ormond	July 21, 2008	**30977**
John	Elijah	Warren	July 21, 2008	**30978**
Dene	Amena	Schulze-Alva	July 21, 2008	**30979**
Stephen		Cantor	July 21, 2008	**30980**
Daniel	Scott	Boswein	July 22, 2008	**30981**

California Code of Regulations
Title 16

§323. Reciprocity. Interpretation of Section 9 of the Act.

The board makes the following interpretation of Section 9 of the Act which states candidates for licensure are considered to have fulfilled the requirement of reciprocity if they provide the documentation required by the board showing the following:

(a) Graduation from a board approved chiropractic college, and completion of the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.

(b) Equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which he is applying.

(c) They must hold a valid and up-to-date license from the state from which they are reciprocating.

(d) The state from which they are licensed will reciprocate with California.

(e) The board reserves the right to require any additional education or examination for reciprocity.

(f) A nonrefundable application fee of $25.00.

(g) A fee, as set forth in Section 5 of the Act, if licensure is granted.

(h) Five (5) years of chiropractic practice.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Section 1000-9, Business and Professions Code.
HISTORY:
1. New section filed 1-4-77; effective thirtieth day thereafter (Register 77, No. 2). For prior history, see Register 76, No. 50.
2. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
3. Amendment of subsections (a) and (b) filed 7-30-87; operative 8-29-87 (Register 87, No. 32).
4. New subsection (h) filed 7-25-96; operative 8-24-96 (Register 96, No. 30).

(c) Examinations shall be written, oral, and practical, covering chiropractic as taught in chiropractic schools or colleges, designed to ascertain the fitness of the applicant to practice chiropractic. Said examination shall include at least each of the subjects as set forth in Section 5 hereof. Identity of the applicants shall not be disclosed to the examiners until after examinations have been given final grades. A license shall be granted to any applicant who shall make a general average of 75 percent, and not fall below 60 percent in more than two subjects or branches of the examination and receive a 75 percent score in all parts of the practical examination as designed by the board. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subject in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of 1 percent on the general average.

(d) An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certificate from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board.
(Initiative Measure, Stats. 1923, p. xc, § 6. Amended by Stats. 1971, c. 1755, p. 3786, § 5; Stats. 1976, c. 263, p. 550, § 5.)

§ 7. Certificate to practice; issuance; practice authorized

One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica.
(Initiative Measure, Stats. 1923, p. xc, § 7.)

§ 8. Blind persons

No blind person shall be denied admission into any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.
(Formerly § 1000-8.1, added by Stats. 1949, c. 500, p. 859, § 1, adopted Nov. 7, 1950. Renumbered § 1000-8 and amended by Stats. 1971, c. 1755, p. 3787, § 7.)

§ 9. Issuance of licenses to licensees of other states

Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.
(Initiative Measure, Stats. 1923, p. xc, § 9. Amended by Stats. 1960, c. 14, p. 136, § 2, adopted Nov. 8, 1960. Amended by Stats. 1971, c. 1755, p. 3787, § 8.)

State of Ohio

Ohio State Chiropractic Board

Kelly A. Caudill, Executive Director

TO: Whom It May Concern

FROM: Liz Moore, Executive Assistant

DATE: May 14, 2008

RE: **Endorsement/Reciprocity**

The Ohio State Chiropractic Board grants licensure by endorsement/reciprocity on a case by case basis if a licensee does not meet the standard filing requirements for licensure as outline by ORC § 4734.20. The Board does not maintain a list of states that it does or does not reciprocate with.

As stated in ORC § 4734.23 (B)...The state chiropractic board may, for good cause, waive all or part of the educational and testing requirements specified under section 4734.20 of the Revised Code and issue a license to an applicant under this section, if the applicant presents satisfactory proof of being licensed to practice chiropractic in another state or country where the requirements for receipt of the license, on the date the license was issued, are considered by the board to be substantially equivalent to those of this chapter.

A copy of ORC § 4734.20 and ORC § 4734.23 are enclosed for your review.

If you have any questions please do not hesitate to contact this office.

Thank you.

77 South High Street, 16th Floor • Columbus, Ohio 43215-6108
Phone: (614) 644-7032 • *Fax:* (614) 752-2539
Toll Free Consumer Hotline: (888) 772-1384
*website: http://*www.chirobd.ohio.gov • *e-mail:* OSCB.ChiroBd@chr.state.oh.us

Course Description

CHIROPRACTIC ASSISTANT

Class Description: This two-semester course divides a chiropractic assistant role into administrative and clinical semesters.

During the semester, students will learn either administrative (front office) procedures including: terminology, insurance billing, and CPR certification; or they will learn clinical (back office) procedures including: body structure, physical therapy, vitals, patient testing, x-ray development, and CPR and First Aid certification.

Adults pay a $50.00 lab fee and a $35.00 book fee. There is also a $25 non-refundable registration fee

Recommendations: Type 20 wpm.

Students may attend class 6 hours a day to complete in one semester or 3 hours a day to complete in two semesters.

Length: 540 hours

Time: 8 a.m.—11 a.m.
12 p.m.—3 p.m.

POST SECONDARY EDUCATIONAL OPPORTUNITIES

Education & Training after High School - 1, 2, or 4 year or more certificate or degree program such as:

- Business Manager
- Chiropractic
- Physical Therapy

CAREER OPPORTUNITIES

This class provides careers and/or job opportunities in a variety of areas such as:

- Clinical Chiropractic Assistant
- Administrative Office Assistant
- Office Manager

The Sacramento County Office of Education (SCOE) is actively engaged in programs which prepare students for the workforce, whether immediately after graduation or after post-secondary education in a university, community college, technical or trade school.

High school students register with your high school counselor.

Adult students register on-line at www.sacrop.org or by calling the Career Center at (916) 228-2721

Teacher: Kathryn Turner

Cell: (916) 807-3122

Email: kturner@scoe.net

What is Career Technical Education?

The Sacramento County Office of Education, in collaboration with 11 local school districts, believe that all students have the ability to learn and succeed in a relevant, rigorous and engaging curriculum. CTE must provide:

- Standardized Course Work for college, career development, and the workforce
- Engage project-based learning opportunities
- Multiple pathways for college, career, and work
- A curriculum infused with academic coursework
- Sequenced course work in a pathway of learning
- Opportunities to meet UC/CSU requirements for college

California's CTE Model Curriculum Standards are presented in 15 industry sectors of related careers and broad industries.

With each sector there are two or more pathways which details knowledge and technical skills students need to succeed in a specific area.

Sacramento County
Office of Education

10474 Mather Boulevard
P.O. Box 269003
Sacramento, CA 95826-9003
Phone: (916) 228-2721
www.sacrop.org

Sacramento Count
ROP
Career Technical Educat

CHIROPRACTIC ASSISTANT

Career Technical Education (CTE)
Regional Occupational Programs

Tel: (916) 228-2721

www.sacrop.org

Chiropractic Assisting ROP Course

FACT SHEET

Sacramento County
ROP
Career Technical Education

The Chiropractic Assistant Regional Occupational Program (ROP) course offered through the Sacramento County Office of Education is the only ROP course of its kind in California. The course taught by Kathy Turner, is entering its 19th year in Sacramento. The program graduates 50 – 60 qualified chiropractic assistants a year.

The Chiropractic assisting course is a 540 hour course. The two-semester course separates a chiropractic assistant's role into administrative and clinical semesters. During the two semesters students learn;

- Administrative (front office) procedures including;
  - terminology
  - insurance billing / private billing
  - telephone / communication
  - Scheduling of appointments and treatment
  - Narrative reports / records / office correspondence
  - Ethics / HIPPA
  - chiropractic philosophy

Each student must successfully complete 135 hours lecture/laboratory, and a 135+ hour externship in a local Chiropractic office under the direction of the doctor of record to receive an administrative assistant skill.

- Clinical (back office) procedures including;
  - body structure
  - physical therapy
  - vitals
  - patient testing
  - X-ray development
  - CPR and First Aid certification
  - escort patients to/from treatment rooms
  - physiotherapy treatments
  - diathermy
  - ultrasound
  - galvanic
  - hydrotherapy
  - chiropractic philosophy

Each student must successfully complete 135 hours lecture/laboratory, and a 135+ hour externship in a local Chiropractic office under the direction of the doctor of record to receive a clinical assistant skill sheet

Students must obtain both the administrative and clinical skills sheets to qualify for a Sacramento ROP Chiropractic Certificate of Completion.

Sacramento County Office of Education – Regional Occupational Program

CHIROPRACTIC ASSISTANT - CLINICAL

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

CBEDS TITLE: MEDICAL OFFICE SERVICES

CBEDS NO: 4242

HOURS: Total 270 Classroom 171 Laboratory/Pre-clinical 99 CC/CVE

DATE: July 8, 2008

JOB TITLE:	DOT CODES:	JOB TITLE:	DOT CODES:
Chiropractic Assistant	079.364-010		

COURSE DESCRIPTION: This two-semester course divides a chiropractic assistant's role into administrative and clinical semesters. During the two semesters, students will learn both administrative (front office) procedures, including terminology, insurance billing, and clinical (back office) procedures, including body structure, physical therapy, vitals, patient testing, X-ray development, and receive CPR and First Aid certification.

The Administrative Chiropractic Assistant answers telephones, schedules patients' appointments, and completes insurance billing. The Administrative Chiropractic Assistant is responsible for private pay billing, narrative reports and office correspondence.

The Chiropractic Assistant will aid the doctor during physical examinations of patients, give specified office treatments, keep patient records, write patient histories, escort patients to treatment rooms, give physiotherapy treatments, such as diathermy, galvanic, ultrasound or hydrotherapy under the doctor's directive, take and record patient's vitals and assist in X-ray procedures.

All Chiropractic Assistants will be knowledgeable about chiropractic philosophy and medical ethics.

PREREQUISITES:

- ✓ None

METHOD OF STUDENT EVALUATION:

- ✓ Pre and Post test
- ✓ Student Projects
- ✓ Written work
- ✓ Observation record of student performance
- ✓ Completion of assignments and worksheets

METHOD OF INSTRUCTION:

- ✓ Lecture
- ✓ Group and individual applied projects
- ✓ Demonstration
- ✓ Field Trips
- ✓ Guest Speaker

CHIROPRACTIC ASSISTANT - CLINICAL

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

TEXTS USED: **PRIMARY:** *California Chiropractic Journal*
Chiro-Soft
Palmer College of Chiropractic
Chiropractic Assistant Training Manual

SUPPLEMENTAL:

CHIROPRACTIC ASSISTANT - CLINICAL

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

I.	INTRODUCTION	CR	LAB/ CC	STANDARDS
	A. Course Goals, Objectives and Expectations B. Class Policies and Procedures	Hours integrated into subject/ skill content		
II.	**CAREER PLANNING AND MANAGEMENT**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand how to make effective decisions, use career information, and manage personal career plans: 1. Identify the personal qualifications, interests, aptitudes, knowledge, and skills necessary to succeed in careers. 2. List opportunities and requirements for education, training, and licensure. 3. Develop a career plan that is designed to reflect career interests, pathways, and postsecondary options. 4. Identify the role and function of professional organizations, industry, associations, and organized labor in a productive society. 5. Identify past, present, and future career trends. 6. Identify important strategies for self-promotion in the hiring process, such as job search, applications, cover letter, résumé writing, interviewing skills, and preparation of a portfolio.	Hours integrated into subject/ skill content		**Foundation:** 3.0
III.	**TECHNOLOGY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students know how to use contemporary and emerging technological resources in diverse and changing personal, community, and workplace environments: 1. Identify past, present, and future technological advances as they relate to a chosen career pathway. 2. Use technological resources to gain access to, manipulate, and produce information, products, and services. 3. Discuss the influence of current and emerging technology on selected segments of the economy.	Hours integrated into subject/ skill content		**Foundation**: 4.0

CHIROPRACTIC ASSISTANT - CLINICAL

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

IV.	PROBLEM SOLVING AND CRITICAL THINKING	CR	LAB/ CC	STANDARDS
	A. Students understand how to create alternative solutions by using critical and creative thinking skills, such as logical reasoning, analytical thinking, and problem-solving techniques: 1. Apply appropriate problem-solving strategies and critical thinking skills to work-related issues and tasks. 2. Utilize systematic problem-solving models that incorporate input, process, outcome, and feedback components. 3. Use critical thinking skills to make informed decisions and solve problems. 4. Apply decision-making skills to achieve balance in the multiple roles of personal, home, work and community life.	Hours integrated into subject/ skill content		**Foundation:** 5.0
V.	**HEALTH & SAFETY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand health and safety policies, procedures, regulations, and practices, including the use of equipment and handling of hazardous materials: 1. Identify the policies, procedures, and regulations regarding health and safety in the workplace, including employers' and employees' responsibilities. 2. Identify critical elements of health and safety practices related to storing, cleaning, and maintaining tools, equipment, and supplies.	Hours integrated into subject/ skill content		**Foundation:** 6.0
VI.	**RESPONSIBILITY AND FLEXIBILITY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students know the behaviors associated with the demonstration of responsibility and flexibility in personal, workplace, and community settings: 1. Demonstrate the qualities and behaviors that constitute a positive and professional work demeanor. 2. Demonstrate personal responsibility. 3. Discuss the need to adapt to varied roles and responsibilities. 4. Discuss how individual actions can affect the larger community.	Hours integrated into subject/ skill content		**Foundation:** 7.0
VII.	**ETHICS AND LEGAL RESPONSIBILITIES**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand professional, ethical, and legal behavior consistent with applicable laws, regulations,	Hours integrated into		**Foundation:** 8.0

	and organizational norms: 1. Identify the major local, district, state, and federal regulatory agencies and entities that affect the industry and how they enforce laws and regulations. 2. Demonstrate the concept and application of ethical and legal behavior consistent with workplace standards. 3. Discuss the role of personal integrity and ethical behavior in the workplace.	subject/ skill content		
VIII.	**LEADERSHIP AND TEAMWORK**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand effective leadership styles, key concepts of group dynamics, team and individual decision making, the benefits of workforce diversity, and conflict resolution: 1. Identify the characteristics and benefits of teamwork, leadership, and citizenship in the school, community, and workplace settings. 2. Discuss the ways in which professional associations, such as Skills USA, and competitive career development activities enhance academic skills, promote career choices, and contribute to employability. 3. Discuss the benefits of teamwork. 4. Demonstrate multiple approaches to conflict resolution and their appropriateness for a variety of situations in the workplace. 5. Demonstrate respect for individual and cultural differences, and for the attitudes and feelings of others. 6. Communicate ideas to justify positions, persuade and convince others, confirm responsibility, and evaluate existing policies and procedures.	Hours integrated into subject/ skill content		**Foundation:** 9.0
IX.	**ANATOMY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Muscular System 1. Locate insertion of individual muscles 2. Describe muscle function B. Nervous System 1. Recognize the different systems 2. Record proper neurological test results C. Skeletal System 1. Label the bones on a skeletal chart 2. Describe types of joints 3. Identify parts of a bone			

CHIROPRACTIC ASSISTANT - CLINICAL

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

X.	EMERGENCY CARE	CR	LAB/ CC	STANDARDS
	A. Demonstrate proper patient assessment during CPR training 1. Demonstrate CPR procedures 2. Demonstrate Heimlich maneuver B. Demonstrate proper patient assessment during First Aid training 1. Practice correct splinting technique 2. Analyze patient's wound and use proper bandaging technique 3. Observe sudden illness signs and symptoms of a patient			
XI.	**PATIENT OBSERVATION & REPORTING**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Demonstrate proper dark room procedures B. Develop observation skills C. Practice correct methods and procedures for reporting D. Analyze range of motion testing E. Employ scoliosis testing techniques F. Role play patient preparation			

Sacramento County Office of Education – Regional Occupational Program

CHIROPRACTIC ASSISTANT - ADMINISTRATIVE

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

CBEDS TITLE: **MEDICAL OFFICE SERVICES**

CBEDS NO: **4242**

HOURS: **Total** 270 **Classroom** 192 **Laboratory/Pre-clinical** 78 **CC/CVE** 0

DATE: **July 8, 2008**

JOB TITLE:	DOT CODES:	JOB TITLE:	DOT CODES:
Chiropractic Assistant	079.364-010		

COURSE DESCRIPTION: This two-semester course divides a chiropractic assistant's role into administrative and clinical semesters. During the two semesters, students will learn both administrative (front office) procedures, including terminology, insurance billing, and clinical (back office) procedures, including body structure, physical therapy, vitals, patient testing, X-ray development, and receive CPR and First Aid certification.

The Administrative Chiropractic Assistant answers telephones, schedules patients' appointments, and completes insurance billing. The Administrative Chiropractic Assistant is responsible for private pay billing, narrative reports and office correspondence.

The Chiropractic Assistant will aid the doctor during physical examinations of patients, give specified office treatments, keep patient records, write patient histories, escort patients to treatment rooms, give physiotherapy treatments, such as diathermy, galvanic, ultrasound or hydrotherapy under the doctor's directive, take and record patient's vitals and assist in X-ray procedures.

All Chiropractic Assistants will be knowledgeable about chiropractic philosophy and medical ethics.

PREREQUISITES:

- ✓ None

METHOD OF STUDENT EVALUATION:

- ✓ Pre and Post test
- ✓ Student Projects
- ✓ Written work
- ✓ Observation record of student performance
- ✓ Completion of assignments and worksheets

METHOD OF INSTRUCTION:

- ✓ Lecture
- ✓ Group and individual applied projects
- ✓ Demonstration
- ✓ Field Trips
- ✓ Guest Speaker

CHIROPRACTIC ASSISTANT - ADMINISTRATIVE

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

TEXTS USED: **PRIMARY:** *California Chiropractic Journal*
Chiro-Soft
Palmer College of Chiropractic
Chiropractic Assistant Training Manual

SUPPLEMENTAL:

CHIROPRACTIC ASSISTANT - ADMINISTRATIVE

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

I.	INTRODUCTION	CR	LAB/ CC	STANDARDS
	A. Course Goals, Objectives and Expectations B. Class Policies and Procedures	Hours integrated into subject/ skill content		
II.	**CAREER PLANNING AND MANAGEMENT**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand how to make effective decisions, use career information, and manage personal career plans: 1. Identify the personal qualifications, interests, aptitudes, knowledge, and skills necessary to succeed in careers. 2. List opportunities and requirements for education, training, and licensure. 3. Develop a career plan that is designed to reflect career interests, pathways, and postsecondary options. 4. Identify the role and function of professional organizations, industry, associations, and organized labor in a productive society. 5. Identify past, present, and future career trends. 6. Identify important strategies for self-promotion in the hiring process, such as job search, applications, cover letter, résumé writing, interviewing skills, and preparation of a portfolio.	Hours integrated into subject/ skill content		**Foundation:** 3.0
III.	**TECHNOLOGY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students know how to use contemporary and emerging technological resources in diverse and changing personal, community, and workplace environments: 1. Identify past, present, and future technological advances as they relate to a chosen career pathway. 2. Use technological resources to gain access to, manipulate, and produce information, products, and services. 3. Discuss the influence of current and emerging technology on selected segments of the economy.	Hours integrated into subject/ skill content		**Foundation:** 4.0

CHIROPRACTIC ASSISTANT - ADMINISTRATIVE

CR = Classroom LAB/CC = Laboratory/Shop/Community Classroom

IV.	PROBLEM SOLVING AND CRITICAL THINKING	CR	LAB/ CC	STANDARDS
	A. Students understand how to create alternative solutions by using critical and creative thinking skills, such as logical reasoning, analytical thinking, and problem-solving techniques: 1. Apply appropriate problem-solving strategies and critical thinking skills to work-related issues and tasks. 2. Utilize systematic problem-solving models that incorporate input, process, outcome, and feedback components. 3. Use critical thinking skills to make informed decisions and solve problems. 4. Apply decision-making skills to achieve balance in the multiple roles of personal, home, work and community life.	Hours integrated into subject/ skill content		**Foundation:** 5.0
V.	**HEALTH & SAFETY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand health and safety policies, procedures, regulations, and practices, including the use of equipment and handling of hazardous materials: 1. Identify the policies, procedures, and regulations regarding health and safety in the workplace, including employers' and employees' responsibilities. 2. Identify critical elements of health and safety practices related to storing, cleaning, and maintaining tools, equipment, and supplies.	Hours integrated into subject/ skill content		**Foundation:** 6.0
VI.	**RESPONSIBILITY AND FLEXIBILITY**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students know the behaviors associated with the demonstration of responsibility and flexibility in personal, workplace, and community settings: 1. Demonstrate the qualities and behaviors that constitute a positive and professional work demeanor. 2. Demonstrate personal responsibility. 3. Discuss the need to adapt to varied roles and responsibilities. 4. Discuss how individual actions can affect the larger community.	Hours integrated into subject/ skill content		**Foundation:** 7.0
VII.	**ETHICS AND LEGAL RESPONSIBILITIES**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand professional, ethical, and legal behavior consistent with applicable laws, regulations,	Hours integrated into		**Foundation:** 8.0

	and organizational norms: 1. Identify the major local, district, state, and federal regulatory agencies and entities that affect the industry and how they enforce laws and regulations. 2. Demonstrate the concept and application of ethical and legal behavior consistent with workplace standards. 3. Discuss the role of personal integrity and ethical behavior in the workplace.	subject/ skill content		
VIII.	**LEADERSHIP AND TEAMWORK**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Students understand effective leadership styles, key concepts of group dynamics, team and individual decision making, the benefits of workforce diversity, and conflict resolution: 1. Identify the characteristics and benefits of teamwork, leadership, and citizenship in the school, community, and workplace settings. 2. Discuss the ways in which professional associations, such as Skills USA, and competitive career development activities enhance academic skills, promote career choices, and contribute to employability. 3. Discuss the benefits of teamwork. 4. Demonstrate multiple approaches to conflict resolution and their appropriateness for a variety of situations in the workplace. 5. Demonstrate respect for individual and cultural differences, and for the attitudes and feelings of others. 6. Communicate ideas to justify positions, persuade and convince others, confirm responsibility, and evaluate existing policies and procedures.	Hours integrated into subject/ skill content		**Foundation:** 9.0
IX.	**BOOKKEEPING TECHNIQUES**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Distinguish the correct diagnosis and billing codes 1. Recognize the need for billing and diagnosis codes 2. Prepare reports using correct coding B. Practice pegboard bookkeeping 1. Analyze bookkeeping entries for balancing 2. Demonstrate legible numbering and lettering 3. Troubleshoot for errors on day sheets C. Apply codes with computer billing 1. Differentiate between advantages of pegboard and computer billing			

	2. Use the computer to complete a narrative report 3. Demonstrate proper use and protection of a computer D. Input data for billing procedures			
X.	**EMERGENCY CARE**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Demonstrate proper patient assessment during CPR training 1. Demonstrate CPR procedures 2. Demonstrate the choking rescue techniques 3. Use proper rescue breathing technique 4. Explain the need for personal safety B. Demonstrate proper patient assessment during First Aid training 1. Practice correct splinting techniques 2. Analyze patient's wounds and use proper bandaging techniques 3. Observe sudden illness signs and symptoms of a patient 4. Treat according to patient's needs			
XI.	**OFFICE MANAGEMENT**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Practice proper appointment book scheduling techniques 1. Review the different types of appointment books and their use B. Role play private pay collections C. Suppose that an account has become past due 1. Observe different techniques to arrange for accounts to be paid D. Show professional telephone technique 1. Access fellow students for proper diction, tonality and pronunciation 2. Discuss the proper use of the hold button 3. Practice telephone transfers 4. Use telephone message memos E. Practice patient recall 1. Define which types of patients need re-calls 2. Illustrate a typical re-call situation 3. Assemble all materials needed for patient re-calls			
XII.	**INSURANCE BILLING**	**CR**	**LAB/ CC**	**STANDARDS**
	A. Summarize the Worker's Compensation Laws for California 1. Define the doctor's responsibilities to the patient, insurance carrier and the employer			

	2. Identify the patient's rights and responsibilities concerning worker's compensation 3. Recognize the rights and responsibilities of the employer concerning worker's compensation 4. Complete the forms needed for a worker's compensation case 5. Produce a chart showing Medical Control B. Prepare a complete Personal Injury case file 1. Define what a subpoena is and how it is honored 2. Produce a completed lien 3. Summarize the use of Authorization to Direct Payment C. Properly complete a Private Insurance claim form 1. Organize the information needed for a completed form 2. Use proper bulling and diagnosis coding 3. Chart the laws governing insurance companies 4. Formulate the sequence of the Coordination of Benefits Law			

SKILL PROFICIENCY SHEET

This skill sheet is designed to indicate, as clearly as possible, the student's knowledge and ability to handle tasks required of this course.

Student's Name Insert Last Name, Insert First Name MI.
(Last) (First) (MI)

Period of Instruction 01/01/01 From: 01/01/01 To:

RELATED INSTRUCTION HOURS:	0	EXTERNSHIP HOURS:	0	TOTAL HOURS:	0

CHIROPRACTIC ASSISTANT ADMINISTRATIVE

1 = Limited skills/knowledge 2 = Has average skills/knowledge 3 = Has excellent skills/knowledge

1	2	3	Office Management	1	2	3	Insurance Billings	1	2	3	Bookkeeping Skills
☐	☐	☐	Appointment Book Scheduling *2,3,4	☐	☐	☐	Workers Compensation *2,3,4	☐	☐	☐	Diagnosis and Billing Codes *2,3,4
☐	☐	☐	Private Pay Collections *2,3,4,5	☐	☐	☐	Personal Injury *2,3,4	☐	☐	☐	Pegboard Bookkeeping *2,3,4
☐	☐	☐	Telephone Techniques *2,4,5	☐	☐	☐	Private Insurance *2,3,4	☐	☐	☐	Computer Insurance Billing *2.3.4
			Emergency Care	☐	☐	☐	Medicare and Medical *2,3,4	☐	☐	☐	Data Input *2,3,4
☐	☐	☐	CPR Procedures *2,3,4	☐	☐	☐	Insurance Verification *2,3,4,5				**Employability**
☐	☐	☐	First Aid Procedures *2,4,5								Prepare a résumé *1,3,5
☐	☐	☐	Scenario Evaluations And Treatment *2,3,4,5								Participate in mock interview *1,3,5

*Expected Schoolwide Learning Results (ESLRs)
1. Career Planner; 2. Work Ethic Model; 3. Technology User; 4. Problem Solver/Conflict Resolver; 5. Effective Communicator

Instructor's Signature

Date

Memorandum

To: **Brian Stiger, Executive Officer, Board of Chiropractic Examiners, Department of Consumer Affairs**

From: **Michael Christensen, Legal Intern**
Department of Consumer Affairs

Date: **July 17, 2008**

Re: **License Fees**

You have indicated that the Board wants to raise license fees and have asked how to go about getting approval to raise the fees. The current state of the law is that license fees are not to exceed $150, pursuant to section 12 of the Chiropractic Initiative Act. Any changes to the maximum amount originally had to be approved by the voters, but section 12.5 (added later by voter approval) permits the legislature to fix the amount *without* voter approval. You are correct that you can use 12.5 to sponsor legislation to raise the fees. It may be helpful to point out that the $150 maximum has been around since 1983!

I have attached an analysis of the proposition approved by the voters in 1960 that gives the Legislature authority to fix the fees.

The repealed section required recordation of licenses and required a list of licensees be kept by the county clerk, which list was to be open to public inspection.

§ 12. Renewal fee

Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

On or before July 1, 1991, the board shall establish regulations for the administration of a birth month renewal program. Each person practicing chiropractic within this state shall, on or before the last day of their month of birth of each year, after a license is issued to them as herein provided, pay to the Board of Chiropractic Examiners a renewal fee of not more than one hundred fifty dollars ($150) as determined by the board. The secretary shall mail to all licensed chiropractors in this state, on or before 60 days prior to the last day of the month of their birth each year, a notice that the renewal fee will be due on or before the last day of the month of their birth next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time their license remains in force shall, after a period of 60 days from the last day of the month of their birth automatically work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licentiate who fails, refuses or neglects to pay the annual tax within a period of 60 days after the last day of the month of his or her birth of each year shall not be required to submit to an examination for the reissuance of the certificate.
(Initiative Measure, Stats. 1923, p. xcii, § 12. Amended by Stats. 1947, c. 151, p. 680, § 5, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 137, § 4, adopted Nov. 8, 1960; Stats. 1975, c. 771, p. 1792, § 2, eff. Sept. 16, 1975; Stats. 1978, c. 306, p. 635, § 2, eff. June 29, 1978; Stats. 1983, c. 533, § 2, eff. July 28, 1983; Stats. 1988, c. 1094, § 1.)

§ 12.5. Authority of legislature to fix fees payable by applicants and licensees and per diem compensation of Board of Chiropractic

The Legislature may by law fix the amounts of the fees payable by applicants and licensees and the amount of the per diem compensation payable to members of the board.
(Added by Stats. 1959, c. 1768, p. 4253, § 2.)

§ 13. Health regulations, death certificates, reports

Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and made reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made.
(Initiative Measure, Stats. 1923, p. xcii, § 13.)

§ 14. Receipts; deposit; monthly report; state board of chiropractic examiners' fund; use

The executive officer shall at the end of each month report to the State Controller the total amount of money received by the board from all sources, and shall deposit with the State Treasurer the entire amount of such receipts, and the State Treasurer shall place the money so received in a special fund, to be known as the "State Board of Chiropractic Examiners' Fund". Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.
(Initiative Measure, Stats. 1923, p. xcii, § 14. Amended by Stats. 1971, c. 1755, p. 3787, § 10.)

Amendments to Constitution

and

Proposed Statutes

with

Arguments Respecting the Same

To be Submitted to the Electors of the State of California
at the General Election on

Tuesday, November 7, 1922

Index, ballot titles with numbers, and certificate appear in last pages
Proposed changes in provisions are printed in black-faced type
Provisions proposed to be repealed are printed in italics

Compiled by
LEGISLATIVE COUNSEL BUREAU
and distributed by
SECRETARY OF STATE

CALIFORNIA STATE PRINTING OFFICE
SACRAMENTO, 1922.

16	**CHIROPRACTIC.** Initiative Act. Creates Board of Chiropractic Examiners, appointed by Governor and paid from receipts under act; prescribes powers and duties thereof; prohibits practice of chiropractic without license therefrom, authorizing issuance thereof to certain chiropractic graduates and establishing prerequisites of study and other conditions to such issuance; provides for revocation of such licenses; declares chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to public health, shall sign death certificates and make reports as required by law; prescribes penalties and repeals conflicting legislation.	YES	
		NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED LAW.

(Proposed changes from provisions of present laws are printed in black-faced type.)

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

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

Section 1. A board is hereby created to be known as the "state board of chiropractic examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the State of California, appointed by the governor. Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. No two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of ten dollars for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the state's taxes.

Sec. 2. Within sixty days of the date upon which this act takes effect, the governor shall appoint the members of the board. Of the members first appointed, one shall be appointed for a term of one year, two for two years, and two for three years. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

Sec. 3. The board shall convene within thirty days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the members of the board. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The secretary shall receive a salary to be fixed by the board in an amount not exceeding one thousand dollars per annum, but not per diem, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Sec. 4. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, copies of such rules and regulations to be filed with the secretary of state for public inspection.

(c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

Sec. 5. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board fifteen days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed, each applicant shall be a graduate of an incorporated chiropractic school or college which teaches a course of not less than two thousand four hundred hours, extended over a period of three school terms of at least six months each, and must give satisfactory proof of having attended not less than ninety per cent of said two thousand four hundred hours, and shall present to the board at the time of making such application, a diploma from a high school, or proof, satisfactory to the board of education equivalent in training power to a high school course.

The schedule of minimum educational requirements to enable any person to practice chiro-

[Eighty-eight]

practic in this state is as follows, to wit, except as herein otherwise provided:

Anatomy	600 hours
Histology	100 hours
Elementary chemistry and toxicology	100 hours
Physiology	200 hours
Bacteriology	100 hours
Hygiene and sanitation	100 hours
Pathology	200 hours
Diagnosis or analysis	400 hours
Chiropractic theory and practice	500 hours
Obstetrics and gynecology	100 hours
Total	2400 hours

Sec. 6. (a) The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year, and at such other times and places as may be found necessary for the performance of their duties. The office of the board shall be in the city of Sacramento. Sub-offices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such sub-offices. Legal proceedings against the board may be instituted in any one of said three cities.

(b) Each applicant shall be designated by a number instead of the name, so that the identity will not be disclosed to the examiners until the papers are graded.

(c) All examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character, as taught in chiropractic schools or colleges, and designed to ascertain the fitness of the applicant to practice chiropractic. Said examinations shall be in each of the subjects as set forth in section five hereof. A license shall be granted to any applicant who shall make a general average of seventy-five per cent, and not fall below sixty per cent in more than two subjects or branches of said examination. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average.

Sec. 7. One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica.

Sec. 8. Any person who shall have practiced chiropractic for two years after graduation from a chiropractic school or college, one year of which shall have been in this state preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1922, and who shall present to the board satisfactory proof of good moral character and having pursued a resident course of not less than two thousand hours in a legally incorporated chiropractic school or college, shall be given a practical and clinical examination in chiropractic philosophy and practice, and if he, or she, make a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; provided, however, that application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars.

Sec. 9. Notwithstanding any provision contained in any other section of this act the board, upon receipt of the fee of twenty-five dollars, shall issue a license to any of the following named persons:

(a) To each member of the board.

(b) To any person licensed to practice chiropractic under the laws of another state, having the same general requirements as prescribed in this act; and provided, further, that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

Sec. 10. (a) The board shall refuse to grant, or may revoke, a license to practice chiropractic in this state, or may cause a licensee's name to be removed from all records of licensed practitioners of chiropractic in this state, upon any of the following grounds, to wit:

The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. Any person who is licentiate, or who is an applicant for a license to practice chiropractic, against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars upon the issuance of a new license.

Sec. 11. (a) Every person who shall receive a license from the board shall have it recorded in the office of the county clerk of the county in which he resides, and shall have it likewise recorded in the counties into which he shall subsequently move for the purpose of practicing chiropractic.

(b) The failure or the refusal on the part of the holder of a license to have it recorded before he shall begin to practice chiropractic in this state, after having been notified by the board to do so, shall be sufficient ground to revoke or cancel a license and to render it null and void.

(c) The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and

description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

Sec. 12. Each person practicing chiropractic within this state shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said board of chiropractic examiners a renewal fee of two dollars. The secretary shall, on or before November first of each year, mail to all licensed chiropractors in this state a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee of two dollars during the time his or her license remains in force shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of ten dollars, except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

Sec. 13. Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and make reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made.

Sec. 14. All moneys received by the board under this act shall be paid to the secretary of said board, who shall give a receipt for the same and shall at the end of each month report to the state controller the total amount of money received by him on behalf of said board from all sources, and shall at the same time deposit with the state treasurer the entire amount of such receipts, and the state treasurer shall place the money so received in a special fund, to be known as the "state board of chiropractic examiners' fund," which fund is hereby created. Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

Sec. 15. Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D. C." or any word or title to induce, or tending to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act; or any licensee under this act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor," or "D. C." immediately following his name, or the use of the letters "M. D." or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D. O." or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or both.

Sec. 16. Nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of chiropractic, nor shall this act apply to any chiropractor from any other state or territory who is actually consulting with a licensed chiropractor in this state; provided, that such consulting chiropractor shall not open an office or appoint a place to receive patients within the limits of the state; nor shall this act be construed so as to discriminate against any particular school of chiropractic, or any other treatment; nor to regulate, prohibit or apply to any kind of treatment by prayer; nor to interfere in any way with the practice of religion. Nor shall this act apply to persons who are licensed under other acts.

Sec. 17. It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys in the enforcement of this act.

Sec. 18. Nothing herein shall be construed as repealing the "medical practice act" of June 2, 1913, or any subsequent amendments thereof, except in so far as that act or said amendments may conflict with the provisions of this act as applied to persons licensed under this act, to which extent any and all acts or parts of acts in conflict herewith are hereby repealed.

Sec. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The electors hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

EXISTING PROVISIONS.

Sections seven, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and twenty-four of the state medical practice act, approved June 2, 1913, as amended, which is proposed to be modified in so far as the act relates to issuance of certificates to chiropractics and regulation of the practice of chiropractic, read as follows:

(Provisions differing from proposed chiropractic act are printed in italics.)

Sec. 7. Every applicant for a certificate shall pay to the secretary of the board a fee of *twenty-five* dollars (*$25*), which shall be paid to the treasurer of the board by said secretary. *In case the applicant's credentials are insufficient or in case he does not desire to take the examination; the sum of ten dollars ($10) shall be retained, the remainder of the fee being returnable on application.*

Sec. 9. Every applicant must file with the board, *at least two weeks* prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools *approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; * * * provided, further, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, * * *.*

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. *In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together*

#4

POINT A

POINT C

with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, or Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. * *

Sec. 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, *approved by the board*, a course of instruction covering and including the following minimum requirements:

* * * * * * *

For a "Drugless Practitioner Certificate."

Group 1. 600 hours.	
Anatomy	485 hours
Histology	115 hours
Group 2. 270 hours.	
Elementary chemistry and toxicology	70 hours
Physiology	200 hours
Group 3. 235 hours.	
Elementary bacteriology	40 hours
Hygiene	45 hours
Pathology	150 hours
Group 4. 370 hours.	
Diagnosis	370 hours
Group 5. 260 hours.	
Manipulative and mechanical therapy	260 hours
Group 6. 265 hours.	
Gynecology	100 hours
Obstetrics	165 hours
Total	2,000 hours

* * * * * * *

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; provided, that the hours herein required in any subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

Sec. 11. In addition to above requirements, * * * :

All applicants for *"drugless practitioner* certificates" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Pathology and elementary bacteriology.
5. Obstetrics and gynecology.
6. Toxicology and elementary chemistry.
7. Hygiene and sanitation.

* * * * * * *

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, *and shall be conducted in the English language, and at least a portion* of the examination in each of the subjects shall be in writing. *The board in its discretion upon the submission of satisfactory proof from the applicant that he is unable to meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred.* Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; provided, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; provided, further, that any applicant for * * * *"drugless practitioner* certificate" *obtaining seventy-five per cent each in five subjects* * * * shall be subsequently re-examined in those subjects only in which he failed, and without additional fee. Any person who *at any time prior to January 1, 1916,* shall pay to the secretary of said board the fee of twenty-five dollars and submits satisfactory proof of good moral character and of a resident one-year course of not less than one thousand hours in a legally chartered school *approved by the board and satisfactory proof of three years of actual practice of a drugless system of the healing art, such three years of actual practice to have been in the State of California,* shall be admitted to the *drugless practitioner* examination; * * * *Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submits to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state;* * * *.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. *The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.*

All certificates issued *hereunder must state the extent and character of practice which is permitted thereunder and* shall be in such form as shall be prescribed by the board.

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California, to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the State of California, upon payment of a registration fee of one hundred dollars, upon the following terms and conditions and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice a system or mode of treating the sick or afflicted, as provided in this act or any preceding practice act of the State of California, issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode for treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, or if such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant

*prior to the first day of August, 1901, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate; and provided, further, that said applicant shall furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California showing what the requirements were of the college and of the board, issuing such certificate at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without an examination. An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year, for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state; provided, however, that an application based upon a certificate to practice any system or mode of treating the sick or afflicted issued in the District of Columbia or in any state or territory prior to March 4, 1907, if refused or denied by reason of the insufficiency of the standard of such state or territory then such applicant may have the privilege of either a written or oral examination before the board at the option of the applicant. * * **

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpœnas issued by the secretary of the board under its seal. Said citation and said subpœnas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpœnas generally, and all the provisions of the statutes of this state then in force relating to subpœnas and to citations are hereby made applicable to the subpœnas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpœna or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpœna or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct, arising under this act, depositions of witnesses may be taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation or issued by mistake or that the certificate upon which a reciprocity certificate has been issued was procured by fraud or misrepresentation or issued by mistake or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded: and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "*The holder of this certificate was on the _____ day of _____ suspended for _____,*" or, "This certificate was revoked on the _____ day of _____," *as the case may be*, giving the day, month and year of such revocation or length of suspension, *as the case may be*, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence

of the fact thereof, and of the regularity of all the proceedings of said board in the matter of *said suspension* or revocation; *provided, further, that the holder of any certificate which has been revoked or suspended by the board of medical examiners, may within twenty days after receiving notice of said revocation or suspension of his said license, appeal to the superior court of the State of California in the county or city and county in which such suspension or revocation was made by the board of medical examiners. Upon such appeal being taken by such person whose license has been revoked or suspended by the board of medical examiners in accordance with the provisions of this act, the said superior court shall have full power to review all of the proceedings and testimony taken in said hearing before the board of medical examiners, and to inquire into the sufficiency of the evidence upon which such suspension or revocation was made. If the court finds the evidence sufficient to sustain the judgment of the board, said judgment shall be upheld and affirmed, and if the court deems such evidence insufficient to justify the judgment of the board of medical examiners in revoking or suspending the license of the petitioner, said superior court shall have full power to annul or reverse said judgment. The words "unprofessional conduct" as used in this act, are hereby declared to mean:*

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

Second—The wilfull betraying of a professional secret.

Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses réestablished if suppressed.

Fifth—Conviction of any offense involving moral turpitude *in which case the record of such conviction shall be conclusive evidence.*

Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, novocaine or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances *or the prescribing, selling, furnishing, giving away or offering to prescribe, sell, furnish, or give away such substances to a habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.*

Seventh—The personation of another licensed practitioner *or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.*

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice any system or mode of treating the sick or afflicted.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

#1

Tenth—Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for loss of manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating.

Eleventh—The use by the holder of any certificate of any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Twelfth—The employment of "cappers" or "steerers" or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

* * * * * * *

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice *any system or mode of treating the sick or afflicted* in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, *and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same.* Any person holding a certificate as aforesaid, who shall practice or attempt to practice *any system or mode of treating the sick or afflicted* in this state, without having first filed his certificate with the county clerk, as herein provided, shall be *deemed guilty of a misdemeanor and shall be* punished *as hereinafter designated in this act.*

Sec. 16. The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor," the letters or prefix "Dr.," the letters "M. D.," or any other term or letters indicating or implying that he is a doctor, physician, surgeon or practitioner, under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as designated in this act.

#3

Sec. 18. Any person, or any member of any firm, or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as designated in this act, who, individually or in his official capacity, shall himself sell or barter, or offer to sell or barter, any certificate authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same either directly or indirectly with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit, or any other evidence to be used in obtaining a diploma or certificate required hereunder or who shall use or attempt to use fraudulently any certificate, transcript, affidavit, or diploma, whether the same be genuine or false, or who shall practice or attempt to practice any system or treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall wilfully make any false statement on any application for examination, license or regis-

tration under this act, or who shall engage in the treatment of the sick or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been practicing medicine or surgery, or any other system of treatment of the sick or afflicted. It shall be the duty of any person or persons upon whom the board of medical examiners may make a demand for the name or names and address or addresses of a person or persons associated or employed by him or them to make affidavit that there are no such person or persons associated or employed by him or them, if such be the fact; provided, that such affidavit shall not be used as evidence against said person or employee in any proceedings under this action.

Sec. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to, such certificate, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any *practitioner* from another state or territory, when in actual consultation with a licensed *practitioner* of this state, if such practitioner is, at the time of such consultation, a licensed *practitioner* in the state or territory in which he resides; provided, that such *practitioner* shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of *medicine* or *surgery*, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion. *Nothing in this act shall be construed to prevent a student regularly matriculated in any legally chartered school or schools approved by the board from treating without compensation to such student the sick or afflicted as a part of his course of study.*

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, the said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and shall be punished by a fine of not less than one hundred dollars nor more than six hundred dollars or by imprisonment for a term of not less than sixty days nor more than one hundred eighty days or by both such fine and imprisonment. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the board of medical examiners and such payment to said treasurer shall be made without placing such fine or forfeiture of bail in any special or contingent or general fund of any county, city and county, city, or township. The balance or twenty-five per cent of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

ARGUMENT IN FAVOR OF PROPOSED CHIROPRACTIC ACT.

Your vote "Yes" on the Chiropractic Initiative Bill is urged for many reasons, some of which are set forth herein, and all of which are consistent with American ideals, just to all and do injury to none.

Under this bill there will be a board of five competent chiropractors, appointed by the Governor, to examine and license chiropractors. No chiropractor will be licensed without examination. The board will be self-sustaining, incurring no additional expense to the taxpayers. It provides for high and proper standards of chiropractic education, a high school diploma or its equivalent, requires four hundred hours more than drugless section of present Medical Act, conforms to all general health laws administered by the board of health and prohibits the use of drugs, surgery or the practice of obstetrics by chiropractors, thus guaranteeing to the people competency of chiropractors and protection from the ignorant or unscrupulous, which the medical law, administered by medical men, does not and can not do. #4

The teachings and practice of chiropractic are admittedly different from those of medicine, therefore, the members of the Medical Board, who are without training in the science of chiropractic, have never studied it, do not practice it, brand it as unscientific and absurd, are its competitors, and desire only to destroy it, can not intelligently and without prejudice examine the chiropractor in his system of practice. #2

To illustrate: It would be as reasonable to permit the Mikado to direct our shipbuilding and examine U. S. Naval officers as to permit the Medical Board, dominated by M.D.'s, to examine and control their chief competitors.

The progress of chiropractic, little short of marvelous, has been made under extremely unfavorable conditions. Denied ordinary freedom from oppression by political medicine, having no hospital facilities, no endowments of their schools or other institutions, no support of society except the commercial side resulting from the good they have done, they have reached the point where within the last seven years twenty-two states have enacted laws similar to the one now proposed in California.

The Medical Board, empowered, as it now is, to exercise unlimited authority over the practice of chiropractic, is using the medical law to throttle chiropractic and prohibit its practice in California.

The medical law, as administered by the Medical Board, has no reasonable tendency to promote the public safety and welfare.

The people of California demand that anyone who proposes to serve them in matters of health shall possess proper qualifications; therefore the demand for a board of chiropractic examiners to examine chiropractors and intelligently consider their qualifications. In this way only may the will and best interests of the people of California be served.

The following facts should be remembered:

The only opposition to this bill is by political doctors.

No chiropractic examinations were ever held in California.

No chiropractic licenses were ever issued in California.

No chiropractic licenses CAN be issued under present law.

In view of the foregoing, and in the interests of right and justice, vote "Yes."

G. A. LYNCH.

ARGUMENT AGAINST PROPOSED NEW CHIROPRACTIC BOARD.

To create two new boards, not only to duplicate but to triplicate the work now being done effectively and economically by one responsible board of examiners, is the extravagant purpose of Number 16, the Chiropractic Initiative, and Number 20, the Osteopathic Initiative. Both measures should be defeated as unnecessary and unsafe legislation.

California already has a competent Board of Examiners created by law, charged with the duty of determining, by impartial examination, the qualifications of all applicants, including chiropractors, who desire to treat diseases, injuries, deformities, physical or mental afflictions of human beings. Examinations are necessary to safeguard the lives and health of the people from incompetents, impostors and quacks. Citizens have the right to expect that anyone the state licenses shall possess a certain amount of knowledge of the causes and courses of diseases and the complex functions of the intricate human machine.

Examinations are open to all qualified applicants. Many chiropractors have taken and passed the examination and are are now legally licensed and practicing in California. Any applicant who can meet the reasonable requirements of the present state law and pass a 75% examination can receive a license.

To create a new board for the special benefit of those who are unable or unwilling to take the state examination is to approve ignorance and license lawlessness.

Chiropractors and osteopaths constitute only two of the twenty-seven drugless cults of California. If a new board is created for chiropractors and another new board for osteopaths, it is obvious that the other twenty-five drugless cults are equally entitled to special boards. This would result in a chaotic condition constantly menacing the public health.

The California legislature at five different sessions carefully investigated and considered chiropractic demands for a new board based upon charges that the present board of medical examiners is incompetent and unfair. Each time the chiropractic charges were found untrue and the chiropractic bill was consequently rejected five times as without merit.

Some of the many dangerous features of the chiropractic act are: It lowers educational standards; it removes vital public health safeguards; under its provisions thousands of graduates of "fly by night" schools may be licensed with practically no examination at all; it neglects to define "chiropractic." To create a new board and grant powers to it, to license those of inferior education to practice an undefined and uncertain thing is unsafe.

The law governing the Board of Medical Examiners has been upheld by our courts as valid, reasonable and enforceable without one dissenting opinion. Governor Johnson and Governor Stephens selected an able board. If the present board becomes incompetent or unfair the governor has authority to select a new board. The courts can review and reverse the Board's decisions. Such a well-selected, responsible board assures all applicants of impartial and competent consideration and assures the people of California adequate protection.

To maintain educational standards and public health safeguards, vote "No" on Number 16.

HOMER R. SPENCE,
Assemblyman Thirty-fifth Assembly District.

USE OF STREAMS. Assembly Constitutional Amendment 41 adding Section 19a to Article XI of Constitution. Authorizes the state, or any political subdivision empowered to establish public works for such purpose, to provide itself or its inhabitants, in the manner therein provided, with water, electricity, or protection against flood by utilizing or controlling the waters of any stream outside this state or partly within this state, and to incur bonded indebtedness therefor as provided by law; these powers not limited by Section 31 of Article IV or Section 13 of Article XI of Constitution.	YES	
17	NO	

Assembly Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the constitution by adding a new section to article eleven thereof to be designated section nineteen a, authorizing the state, or municipal corporations or political subdivisions thereof, to provide water, electric energy, or protection from flood, by utilizing, or controlling, the waters of any stream situate outside this state, or partly within and partly without this state.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fourth regular session, beginning on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the houses voting in favor thereof, proposes to the people of the state that a new section be added to article eleven of the constitution, to be numbered section nineteen a, and to read as follows:

[Note. The resolution as filed with the secretary of state shows the new section to be numbered 19a in the preamble and 20 at the beginning of the amendment as shown here.]

PROPOSED AMENDMENT.

Sec. 20. The State of California, or any district, municipal corporation or political subdivision of said state, authorized by law to establish public works for the purpose of supplying itself, or its inhabitants, with water, electric energy or means of protection from flood, may, for any such purpose, provide for utilizing or controlling the waters of any stream situated outside of this state, or partly within and partly without this state, and, to that end, may do and perform each, any or all of the following acts and things, to wit:

(a) Acquire, establish, construct, own, maintain and operate, either alone or in common with any other political organization or organizations, any works, plants or structures, whether within this state or outside thereof, or partly within and partly without this state, necessary or convenient for any such purpose;

(b) Make and enter into contracts with any political organization, or organizations, with reference to the acquisition, establishment, construction, ownership, maintenance or operation of such works, plants or structures, including contracts for participating in the cost and benefits of the acquisition, establishment, construction, maintenance or operation of such works, plants or structures, provided, or to be provided, by any other political organization, or organizations, and contracts for the participation by any other political organization, or organizations, in the cost and benefits of such works, plants, or structures, provided, or to be provided, by the State of California, or any district, municipal corporation, or corporations, or political subdivision, or subdivisions, of said state, and contracts with any person, or persons, firm, or firms, corporation, or corporations, for participation by them, or any of them, in the cost, and, subject to the limitations hereinafter expressed, in the benefits, of any such works, plants, or structures, or for the furnishing to them, or any of them, of water or electric energy, but no person, firm or corporation, other than a political organization, shall ever own or operate, or hold any interest in, any such works, plants or structures;

(c) Become a member, associate or shareholder in any organization, association or corporation now or hereafter provided for under the laws of the United States, or of any state or states, and which shall be formed solely for the

Bill Number: SB 963
Introduced: February 23, 2008
Last Amended: July 1, 2008

Author: Ridley-Thomas
Vote: Majority

Bill Summary:

This bill would require the Board of Chiropractic Examiners (BCE) to disclose all ex parte communications at the BCE's public meetings and the ex parte communications must be recorded in the BCE's minutes. This BCE may also adopt regulations that provide an incentive for the licensee to provide services on a pro bono basis and to establish requirements for the number of staff required to adequately investigate and bring disciplinary against a license.

Purpose of the Bill:

According to the Author, this bill is intended to provide a more effective method of continuing state licensing and regulation when the Legislature sunsets a licensing board within the department of Consumer Affairs.

Existing Law:

Provides specified procedures, in which the Joint Committee on Boards, Commissions, and Consumer Protection recommends whether boards within the Department of Consumer Affairs should be continued or its functions modified. It also allows each board to appoint a person exempt from Civil Service to be designated as the executive officer.

Specifically, this bill would:

- Require the BCE to disclose all ex parte communications at meetings, and record in the BCE's minutes.
- Authorizes the BCE to adopt regulations to provide incentives to licensees that provide services, within their scope, on a pro bono basis prior to June 30, 2009. The regulation may reduce the license renewal fee for a licensee who complies with the pro bono requirements.
- Authorizes the BCE to adopt regulations that set requirements for the number of staff required to adequately investigate and, if appropriate, bring a disciplinary action against a licensee by June 30, 2009.

Fiscal Impact:

The BCE may experience an increase in workload; however, the BCE staff believes this can absorbed with existing staff.

BILL NUMBER: SB 963 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY JULY 1, 2008
AMENDED IN ASSEMBLY JUNE 25, 2007
AMENDED IN SENATE APRIL 16, 2007

INTRODUCED BY Senator Ridley-Thomas

FEBRUARY 23, 2007

~~An act to amend Sections 22, 102.3, 107, 108, 312, 313.1, 321, 1601.1, 1632.5, 1634.2, 1638.1, 1638.7, 1742, 1751, 2001, 2460, 2531, 2570.19, 2602, 2701, 2841, 2920, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4003, 4200.1, 4200.3, 4501, 4800, 4928, 4990, 5000, 5510, 5621, 5810, 5811, 6510, 6511, 6710, 7000.5, 7200, 7303, 7810, 8000, 8520, 8710, 9882, 18602, 18602.5, 18824, and 18882 of, to add Sections 27.5, 36, 37, 38, 101.5, 117, 117.5, 127.5, 156.7, and 450.1 to, to add Chapter 4.5 (commencing with Section 360) to Division 1 of, to add Division 1.3 (commencing with Section 474.20) to, to repeal Sections 2569, 4989, 4990.24, 7304, and 22259 of, to repeal Division 1.2 (commencing with Section 473) of, and to repeal and add Section 101.1 of, the Business and Professions Code, and to amend Sections 9148.8 and 9148.51 of, and to repeal Section 9148.52 of, the Government Code, relating to regulatory entities, and making an appropriation therefor.~~ *An act to amend Sections 22, 107, 108, 473.1, 473.2, 473.3, 473.4, and 473.5 of, to add Sections 27.5, 36, 37, 38, 127.5, 473.12, and 473.7 to, and to repeal and add Section 101.1 of, the Business and Professions Code, relating to regulatory boards.*

LEGISLATIVE COUNSEL'S DIGEST

SB 963, as amended, Ridley-Thomas. Regulatory boards: operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs ~~and makes their funds separate accounts within the Professions and Vocations Fund. Under existing law, the revenue in certain of these accounts is continuously appropriated to the board, other than fine and penalty revenues~~ *, with board members serving specified terms of office. Existing law authorizes each board to appoint a person, exempt from Civil Service, who shall be designated as an executive officer* .

Existing law generally makes the regulatory boards inoperative *and repealed* on ~~a~~ specified ~~date~~ *dates* , unless ~~that date is~~ *those dates are* deleted or extended by subsequent legislation, and subjects these boards *that are scheduled to become inoperative and repealed* as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified.

~~This bill would delete those provisions making the boards inoperative on a specified date and subjecting boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would instead make each of those boards subject to review by~~

~~a standing policy committee of the Legislature upon request by a Member of the Legislature or the chief of the Office of the Consumer Advocate, which the bill would create in the Department of Consumer Affairs. The bill would, upon the committee's determination that a board is deficient, as specified, provide for the removal of all incumbent board members without a hearing and the appointment of a successor board, as specified. The bill would require the Office of the Consumer Advocate to serve as an independent monitor for a board that is found deficient. The bill would authorize the office to appear at meetings and to participate in disciplinary proceedings by a board within the department if required to promote or protect the interests of consumers, as defined, and would require the office to perform other specified duties. The bill would require the office to charge each board a fee to support the office's functions and would thereby make an appropriation by expanding the expenditure purposes of a continuously appropriated fund. The bill would create the Consumer Advocate Fund where these fees would be deposited and would be available to the office upon appropriation by the Legislature. The bill would require the director to report annually to the Governor and the Legislature, as specified, on the office's operations.~~

~~The bill would require boards within the department to enter into an agreement with the department for the performance of administrative and ministerial functions and would require the Director of Consumer Affairs, prior to January 1, 2010, to replace the existing technology system serving the department and its component boards and to charge each board its pro rata share of the cost to replace the system.~~

This bill would, notwithstanding any other provision of law, terminate the term of office of each board member of certain boards within the department on specified and unspecified dates. The bill would subject boards that are scheduled to have their board membership so reconstituted to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would also require the appropriate standing policy committee of the Legislature to investigate board deficiencies and to hold specified public hearings.

The bill would also require each board within the department to ~~adopt performance measures, as specified, and report quarterly to the director and the chief of the Office of Consumer Advocate relating to those measures. The bill would also require boards to post the information on their Internet Web site and to report the information to the Legislative Analyst's Office, the Legislature, and the Department of Finance. The bill would require the Office of the Consumer Advocate to report to the Legislature if a board failed to meet its performance measures. The bill would also require those boards to~~ post annually on ~~their~~ *its* Internet Web ~~sites~~ *Site* the number of reports in specified categories that it received that year for its licensees.

The bill would allow a person to serve as the ~~public member of more than one of these boards and would require all members of these boards, as well as bureau chiefs, to report annually to their appointing authority on their goals and objectives and success in achieving them, which would be posted on the board's Internet Web site~~ *executive officer or registrar of more than one board and would make all appointments of an executive officer or registrar subject to approval by the Director of Consumer Affairs and confirmat ion by the Senate* . The bill would require the department to report to the Legislature and Governor if a board

was unable to meet because of a lack of a quorum or vacancy. The bill would require members of these boards and other state boards to report ex parte communications, as defined, in the board's minutes *and would require the department to develop a common method of making boards' minutes available to the public* . The bill would ~~require~~ *authorize* boards within the department, the State Bar, the Office of Real Estate Appraisers, and other state boards that license professions or businesses to adopt regulations to provide incentives to licensees to provide services on a pro bono basis and to adopt regulations prior to June 30, 2009, establishing regulatory board staffing requirements.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22 of the Business and Professions Code is amended to read:

22. "Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

SEC. 2. Section 27.5 is added to the Business and Professions Code, to read:

27.5. A board within the department shall annually post on its Internet Web site the number of reports it received that year for its licensees in each of the following categories:

(a) Criminal convictions.

(b) Judgments, settlements, or arbitration awards.

(c) Claims paid by a professional liability insurer caused by the licensee's negligence, error, or omission.

SEC. 3. Section 36 is added to the Business and Professions Code, to read:

~~36~~. A board within the department, the State Bar, the Office of Real Estate Appraisers, and any other state board that issues a license, certificate, or registration authorizing a person to engage in a business or profession may adopt regulations that provide an incentive to the holder to provide services within the scope of his or her license, certificate, or registration on a pro bono basis. The regulations may reduce the amount of the renewal fee for a licensee, certificate holder, or registrant who demonstrates compliance with the pro bono requirements set forth in the regulations.

SEC. 4. Section 37 is added to the Business and Professions Code, to read:

37. A board within the department and any other state board that issues a license, certificate, or registration authorizing a person to engage in a business or profession ~~shall~~ *may* adopt regulations prior to June 30, 2009, that establish requirements for the number of staff required to adequately investigate and, if appropriate, bring a disciplinary action against a licensee, certificate holder, or registrant regulated by the board. The staff level requirements shall, at a minimum, be the number of staff required per 1,000 persons regulated by the board and include the appropriate number of staff to complete all investigatory and disciplinary functions.

SEC. 5. Section 38 is added to the Business and Professions Code, to read:

38. A member of a board within the department and a member of a

state board, as defined in Section 9148.2 of the Government Code, shall disclose all of his or her ex parte communications at the board's next public meeting, and the ex parte communications shall be recorded in the board's minutes. "Ex parte communication" means any oral or written communication concerning matters, other than purely procedural matters, under the board's jurisdiction that are subject to a vote by the board that occurred between the member and a person, other than another board member or an employee of the board or the department of which the board is a part, who intends to influence the decision of the member.

SEC. 6. Section 101.1 of the Business and Professions Code is repealed.

SEC. 7. Section 101.1 is added to the Business and Professions Code, to read:

~~101.1. (a) It is the intent of the Legislature that all existing and proposed consumer-related boards or categories of licensed professionals be subject to ongoing and continuous review as well as a periodic thorough review when issues arise requiring that level of review and such a review is requested by a Member of the Legislature or the chief of the Office of the Consumer Advocate as provided in Division 1.3 (commencing with Section 474.20). The review of a board shall evaluate and determine whether its operations are effectively protecting the public and that protection of the public is the highest priority of the board.~~

~~(b) Notwithstanding any other provision of law, if a board is deemed deficient and its members removed, as described in Section 474.21~~

101.1. Notwithstanding any other provision of law, if the terms of office of the members of a board are terminated in accordance with the act that added this section or by subsequent acts , a successor board shall be appointed that shall succeed to, and be vested with, all the duties, powers, purposes, responsibilities, and jurisdiction not otherwise repealed or made inoperative of the board that it is succeeding. The successor board shall have the same number of members and composition as the board that it is succeeding, and those members shall be appointed by the same appointing authorities, for the same term, and with the same membership requirements as the members of the board it is succeeding. ~~The successor board shall have the same authority to appoint an executive officer as the board that it is succeeding as of the date that board was found deficient. The successor board members shall be appointed within 10 business days of receipt by the Joint Committee on Rules of the deficiency report, as described in Section 474.21.~~

~~SEC. 8. Section 101.5 is added to the Business and Professions Code, to read:~~

~~101.5. (a) Each board within the department shall enter into an agreement with the department for the department to provide administrative and ministerial functions and services, including, but not limited to, personnel services, information technology, the administration of call centers, and the administration of examinations. The Legislature intends that these agreements shall achieve cost savings resulting from economies of scale and a more consistent delivery of services to California consumers and licensees.~~

~~(b) A board shall not enter into an agreement described in subdivision (a) if it would reduce the board's ability to comply with its duties prescribed by law.~~

~~SEC. 9. Section 102.3 of the Business and Professions Code is amended to read:~~

~~102.3. (a) The director may enter into an interagency agreement with an appropriate entity within the Department of Consumer Affairs as provided for in Section 101 to delegate the duties, powers, purposes, responsibilities, and jurisdiction that have been succeeded and vested with the department, of a board that became inoperative and was repealed in accordance with Chapter 908 of the Statutes of 1994.~~

~~(b) (1) If, pursuant to subdivision (a), an interagency agreement is entered into between the director and that entity, the entity receiving the delegation of authority may establish a technical committee to regulate, as directed by the entity, the profession subject to the authority that has been delegated. The entity may delegate to the technical committee only those powers that it received pursuant to the interagency agreement with the director. The technical committee shall have only those powers that have been delegated to it by the entity.~~

~~(2) If the entity delegates its authority to adopt, amend, or repeal regulations to the technical committee, all regulations adopted, amended, or repealed by the technical committee shall be subject to the review and approval of the entity.~~

~~(3) The entity shall not delegate to a technical committee its authority to discipline a licentiate who has violated the provisions of the applicable chapter of the Business and Professions Code that is subject to the director's delegation of authority to the entity.~~

~~(c) An interagency agreement entered into, pursuant to subdivision (a), shall continue until the licensing program administered by the technical committee has undergone a review by the Office of the Consumer Advocate to evaluate and determine whether the highest priority of the licensing program is the protection of the public. Thereafter, at the discretion of the chief of that office, the interagency agreement may be renewed.~~

~~SEC. 10.~~ *SEC. 8.* Section 107 of the Business and Professions Code is amended to read:

107. (a) Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service and may fix his or her salary, with the approval of the Department of Personnel Administration pursuant to Section 19825 of the Government Code, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar. A person may be appointed as an executive officer or registrar for more than one board if approved by each of those boards and may serve in those capacities at the same time if practical and consistent with law and the respective board functions and duties.

(b) Notwithstanding any other provision of law, all appointments of an executive officer or registrar shall be subject to the approval of the director and confirmation by the Senate.

~~SEC. 11.~~ *SEC. 9.* Section 108 of the Business and Professions Code is amended to read:

108. (a) Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following those hearings, insofar as these powers are given by statute to each respective board.

(b) The department shall develop a common method of maintaining, posting, and making available to the public minutes of the meetings of the boards comprising the department. Each of those boards shall

use that method and shall post the minutes of its meetings on its Internet Web site within 10 days of the date of the meeting.

~~SEC. 12. Section 117 is added to the Business and Professions Code, to read:~~

~~117. (a) Each board within the department shall adopt meaningful, measurable, and manageable performance measures. Performance measures include, but are not limited to, the following information:~~

~~(1) A comprehensive statement of the board's mission, goals, objectives, and legal jurisdiction in protecting the health, safety, and welfare of the public.~~

~~(2) The board's enforcement priorities, complaint and enforcement data, budget expenditures with average and median costs per case, and case aging data specific to post and preaccusation cases at the Attorney General's office.~~

~~(3) The board's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.~~

~~(4) The board's description of its licensing process including the time and costs required to implement and administer its licensing examination, ownership of the license examination, relevancy and validity of the licensing examination, and passage rate and areas of examination.~~

~~(5) The board's initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.~~

~~(b) Each board within the department shall report to the director and the chief of the Office of the Consumer Advocate its performance measures and data relating to those measures on a quarterly basis. Each board shall post quarterly on its Internet Web site the information it reported pursuant to this subdivision and provide the information annually to the Department of Finance, the Legislative Analyst's Office, and the Legislature.~~

~~(c) The chief of the Office of the Consumer Advocate, in consultation with the Legislative Analyst's Office, shall annually review the information reported by boards pursuant to subdivision (b) and report to the Legislature if it determines that a board has failed to meet its performance measures.~~

~~(d) The department may adopt regulations pertaining to the requirements described in subdivision (a).~~

~~SEC. 13. Section 117.5 is added to the Business and Professions Code, to read:~~

~~117.5. (a) Each member of a board within the department and the chief of any bureau within the board shall annually report, on or before December 31 of each year, to the authority that appointed him or her the extent to which the member or chief achieved his or her goals and objectives that year and shall also report the goals and objectives he or she expects to achieve during the following calendar year.~~

~~(b) The board or bureau shall post the reports described in subdivision (a) submitted by its members chief on its Internet Web site within 30 days of their submission date.~~

~~SEC. 14.~~ *SEC. 10.* Section 127.5 is added to the Business and Professions Code, to read:

127.5. The department shall report to the Legislature and the Governor when a board within the department has been unable to schedule or convene a meeting of the board because of a lack of a quorum caused by the absence of its members or by a vacancy in its membership.

~~SEC. 15. Section 156.7 is added to the Business~~

~~and Professions Code, to read:~~

~~156.7. (a) Prior to January 1, 2010, the director, in consultation with the State Chief Information Officer, shall replace the department's existing information technology system with a system that meets the requirements of the department and of the boards within the department.~~

~~(b) The director shall charge each of the boards on a pro rata share basis for the costs of replacing the information technology system. The charge shall be an administrative expense that may be levied in advance against the funds of any of the boards pursuant to Section 201.~~

~~(c) Notwithstanding any other provision of this section, the procurement of the information technology system shall be made in accordance with Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code.~~

SEC. 11. Section 473.1 of the Business and Professions Code is amended to read:

473.1. This chapter shall apply to all of the following:

(a) Every board, as defined in Section 22, that is scheduled to ~~become inoperative and to be repealed~~ *have its membership reconstituted* on a specified date as provided by ~~the specific act relating to the board~~ *Section 473.12* .

(b) The Bureau for Postsecondary and Vocational Education. For purposes of this chapter, "board" includes the bureau.

(c) The Cemetery and Funeral Bureau.

SEC. 12. Section 473.12 is added to the Business and Professions Code , to read:

473.12. Notwithstanding any other provision of law, the term of office of each member of the following boards in the department shall terminate on the date listed:

(a) The Dental Board of California: January 1, 2012.
(b) The Medical Board of California: January 1, 2011.
(c) The State Board of Optometry: January 1, 2011.
(d) The California State Board of Pharmacy: January 1, 2011.
(e) The Veterinary Medical Board: January 1, 2012.
(f) The California Board of Accountancy: January 1, 2012.
(g) The California Architects Board: January 1, 2012.
(h) The State Board of Barbering and Cosmetology: January 1, 2012.

(i) The Board for Professional Engineers and Land Surveyors: January 1, 2012.
(j) The Contractors' State License Board: January 1, 2010.
(k) The Bureau for Private Postsecondary Education: ___.
(l) The Structural Pest Control Board: January 1, 2012.
(m) The Bureau of Home Furnishings and Thermal Insulation: ___.
(n) The Board of Registered Nursing: January 1, 2011.
(o) The Board of Behavioral Sciences: January 1, 2010.
(p) The State Athletic Commission: January 1, 2010.
(q) The Cemetery and Funeral Bureau: ___.
(r) The State Board of Guide Dogs for the Blind: January 1, 2012.
(s) The Bureau of Security and Investigative Services: ___.
(t) The Court Reporters Board of California: January 1, 2010.
(u) The Board of Vocational Nursing and Psychiatric Technicians: January 1, 2012.
(v) The Landscape Architects Technical Committee: January 1, 2012.

(w) The Bureau of Electronic and Appliance Repair: ___.
(x) The Division of Investigation, Department of Consumer Affairs: ___.

(y) The Bureau of Automotive Repair: ___.
(z) The Board for Geologists and Geophysicists: January 1, 2010.
(aa) The Respiratory Care Board of California: January 1, 2011.
(ab) The Acupuncture Board: January 1, 2010.
(ac) The Board of Psychology: January 1, 2010.
(ad) The California Board of Podiatric Medicine: January 1, 2011.
(ae) The Physical Therapy Board of California: January 1, 2014.
(af) The Arbitration Review Program: ___.
(ag) The Dental Hygiene Committee of California: ___.
(ah) The Hearing Aid Dispensers Bureau: ___.
(ai) The Physician Assistant Committee, Medical Board of California: January 1, 2012.
(aj) The Speech-Language Pathology and Audiology Board: January 1, 2012.
(ak) The California Board of Occupational Therapy: January 1, 2014.
(al) The Osteopathic Medical Board of California: ___.
(am) The Bureau of Naturopathic Medicine: ___.
SEC. 13. Section 473.2 of the Business and Professions Code is amended to read:
473.2. All boards to which this chapter applies shall, with the assistance of the Department of Consumer Affairs, prepare an analysis and submit a report to the Joint Committee on Boards, Commissions, and Consumer Protection no later than 22 months before that ~~board shall become inoperative~~ *board's membership shall be reconstituted pursuant to Section 473.12* . The analysis and report shall include, at a minimum, all of the following:
(a) A comprehensive statement of the board's mission, goals, objectives and legal jurisdiction in protecting the health, safety, and welfare of the public.
(b) The board's enforcement priorities, complaint and enforcement data, budget expenditures with average- and median-costs per case, and case aging data specific to post and preaccusation cases at the Attorney General's office.
(c) The board's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.
(d) The board's description of its licensing process including the time and costs required to implement and administer its licensing examination, ownership of the license examination, relevancy and validity of the licensing examination, and passage rate and areas of examination.
(e) The board's initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.
SEC. 14. Section 473.3 of the Business and Professions Code is amended to read:
473.3. (a) Prior to the ~~termination, continuation, or reestablishment of any board or any of the board's functions~~ *reconstitution of the membership of any board described in Section 473.12* , the Joint Committee on Boards, Commissions, and Consumer Protection shall, during the interim recess preceding the date upon which a ~~board becomes inoperative~~ *board's membership is to be reconstituted* , hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, and the public and regulated industry. In that hearing, each board shall have the burden of demonstrating a compelling public need for the continued existence of the ~~board or~~ regulatory program, and that its licensing

function is the least restrictive regulation consistent with the public health, safety, and welfare.

(b) In addition to subdivision (a), in 2002 and every four years thereafter, the committee, in cooperation with the California Postsecondary Education Commission, shall hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The committee, in cooperation with the California Postsecondary Education Commission, shall evaluate and review the effectiveness and efficiency of the Bureau for Private Postsecondary and Vocational Education, based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.

(d) In addition to subdivision (a), in 2003 and every four years thereafter, the committee shall hold a public hearing to receive testimony from the Director of Consumer Affairs and the Bureau of Automotive Repair. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(e) The committee shall evaluate and review the effectiveness and efficiency of the Bureau of Automotive Repair based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.

SEC. 15. Section 473.4 of the Business and Professions Code is amended to read:

473.4. (a) The Joint Committee on Boards, Commissions, and Consumer Protection shall evaluate and determine whether a board or regulatory program has demonstrated a public need for the continued existence of the ~~board or~~ regulatory program and for the degree of regulation the board or regulatory program implements based on the following factors and minimum standards of performance:

(1) Whether regulation by the board is necessary to protect the public health, safety, and welfare.

(2) Whether the basis or facts that necessitated the initial licensing or regulation of a practice or profession have changed.

(3) Whether other conditions have arisen that would warrant increased, decreased, or the same degree of regulation.

(4) If regulation of the profession or practice is necessary, whether existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether the board rules enhance the public interest and are within the scope of legislative intent.

(5) Whether the board operates and enforces its regulatory responsibilities in the public interest and whether its regulatory mission is impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary,

resource, and personnel matters.

(6) Whether an analysis of board operations indicates that the board performs its statutory duties efficiently and effectively.

(7) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates.

(8) Whether the board and its laws or regulations stimulate or restrict competition, and the extent of the economic impact the board's regulatory practices have on the state's business and technological growth.

(9) Whether complaint, investigation, powers to intervene, and disciplinary procedures adequately protect the public and whether final dispositions of complaints, investigations, restraining orders, and disciplinary actions are in the public interest; or if it is, instead, self-serving to the profession, industry or individuals being regulated by the board.

(10) Whether the scope of practice of the regulated profession or occupation contributes to the highest utilization of personnel and whether entry requirements encourage affirmative action.

(11) Whether administrative and statutory changes are necessary to improve board operations to enhance the public interest.

(b) The Joint Committee on Boards, Commissions, and Consumer Protection shall consider alternatives to placing responsibilities and jurisdiction of the board under the Department of Consumer Affairs.

(c) Nothing in this section precludes any board from submitting other appropriate information to the Joint Committee on Boards, Commissions, and Consumer Protection.

SEC. 16. Section 473.5 of the Business and Professions Code is amended to read:

473.5. The Joint Committee on Boards, Commissions, and Consumer Protection shall report its findings and preliminary recommendations to the department for its review, and, within 90 days of receiving the report, the department shall report its findings and recommendations to the Joint Committee on Boards, Commissions, and Consumer Protection during the next year of the regular session that follows the hearings described in Section 473.3. The committee shall then meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the department and the committee and whether ~~each board or function scheduled for repeal shall be terminated, continued, or reestablished,~~ *the board's membership should be reconstituted* and whether its functions should be revised. If the committee or the department deems it advisable, the report may include proposed bills to carry out its recommendations.

SEC. 17. Section 473.7 is added to the Business and Professions Code, to read:

473.7. The appropriate standing policy committee of the Legislature shall, through its oversight function, investigate the perceived deficiencies in the operation of a board to which this chapter applies and hold public hearings on any matter subject to public hearing under Section 473.3.

~~SEC. 16. Section 312 of the Business and Professions Code is amended to read:~~

~~312. (a) The director shall submit to the Governor and the Legislature on or before January 1, 2003, and annually thereafter, a report of programmatic and statistical information regarding the~~

~~activities of the department and its constituent entities. The report shall include information concerning the director's activities pursuant to Section 326, including the number and general patterns of consumer complaints and the action taken on those complaints.~~

~~(b) On or before January 1 of each year, beginning in 2009, the director shall submit to the chairperson of the fiscal committee of each house of the Legislature and to the Joint Legislative Budget Committee all of the following information:~~

~~(1) The number of personnel years assigned to the Office of the Consumer Advocate.~~

~~(2) The total dollars expended by the Office of the Consumer Advocate in the prior year, the estimated total dollars expended in the current year, and the total dollars proposed for appropriation in the following budget year.~~

~~(3) Workload standards and measures for the Office of the Consumer Advocate.~~

~~SEC. 17. Section 313.1 of the Business and Professions Code is amended to read:~~

~~313.1. (a) Notwithstanding any other provision of law to the contrary, no rule or regulation, except those relating to examinations and qualifications for licensure, and no fee change proposed or promulgated by any of the boards, commissions, or committees within the department, shall take effect pending compliance with this section.~~

~~(b) The director and the chief of the Office of the Consumer Advocate shall be formally notified of and shall be provided a full opportunity to review, in accordance with the requirements of Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, and this section, all of the following:~~

~~(1) All notices of proposed action, any modifications and supplements thereto, and the text of proposed regulations.~~

~~(2) Any notices of sufficiently related changes to regulations previously noticed to the public, and the text of proposed regulations showing modifications to the text.~~

~~(3) Final rulemaking records.~~

~~(c) The submission of all notices and final rulemaking records to the director and the chief of the Office of the Consumer Advocate and the completion of their review, as authorized by this section, shall be a precondition to the filing of any rule or regulation with the Office of Administrative Law. The Office of Administrative Law shall have no jurisdiction to review a rule or regulation subject to this section until after the completion of the director's review and only then if the director and the chief of the Office of the Consumer Advocate have not disapproved it. The filing of any document with the Office of Administrative Law shall be accompanied by a certification that the board, commission, or committee has complied with the requirements of this section.~~

~~(d) Following the receipt of any final rulemaking record subject to subdivision (a), the director and the chief of the Consumer Advocate shall have the authority for a period of 30 days to disapprove a proposed rule or regulation on the ground that it is injurious to the public health, safety, or welfare.~~

~~(e) Final rulemaking records shall be filed with the director and the chief of the Office of the Consumer Advocate within the one-year notice period specified in Section 11346.4 of the Government Code. If necessary for compliance with this section, the one-year notice period may be extended, as specified by this subdivision.~~

~~(1) If the one-year notice period lapses during the 30-day review period, or within 60 days following the notice of disapproval, it may~~

~~be extended for a maximum of 90 days.~~

~~(2) If the director and the chief approve the final rulemaking record or declines to take action on it within 30 days, the board, commission, or committee shall have five days from the receipt of the record from the director and the chief within which to file it with the Office of Administrative Law.~~

~~(3) If the director or the chief disapproves a rule or regulation, it shall have no force or effect unless, within 60 days of the notice of disapproval, (A) the disapproval is overridden by a unanimous vote of the members of the board, commission, or committee, and (B) the board, commission, or committee files the final rulemaking record with the Office of Administrative Law in compliance with this section and the procedures required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(f) Nothing in this section shall be construed to prohibit the director or the chief of the Office of the Consumer Advocate from affirmatively approving a proposed rule, regulation, or fee change at any time within the 30-day period after it has been submitted to him or her, in which event it shall become effective upon compliance with this section and the procedures required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~SEC. 18. Section 321 of the Business and Professions Code is amended to read:~~

~~321. Whenever it appears to the director or the chief of the Office of Consumer Advocate that the interests of the consumers of this state are being damaged, or may be damaged, by any person who engaged in, or intends to engage in, any acts or practices in violation of any law of this state, or any federal law, the director or any officer or employee designated by the director, or the Attorney General, may commence legal proceedings in the appropriate forum to enjoin those acts or practices and may seek other appropriate relief on behalf of those consumers.~~

~~SEC. 19. Chapter 4.5 (commencing with Section 360) is added to Division 1 of the Business and Professions Code, to read:~~

~~CHAPTER 4.5. OFFICE OF THE CONSUMER ADVOCATE~~

~~Article 1. General Provisions~~

~~360. This chapter shall be known and may be cited as the Office of the Consumer Advocate Act.~~

~~361. It is the intent of the Legislature and the purpose of this chapter to promote the efficiency of each of the boards that comprise the department by ensuring that each board properly discharges its regulatory and disciplinary functions to protect the interests of consumers.~~

~~362. The following definitions apply for purposes of this chapter:~~

~~(a) "Board" means any entity listed in Section 101.~~

~~(b) "Chief" means the chief of the Office of the Consumer Advocate.~~

~~(c) "Interests of consumers" means the protection of the health, welfare, and safety of consumers by a board.~~

~~(d) "Office" means the Office of the Consumer Advocate.~~

~~Article 2. Administration~~

~~370. The Office of the Consumer Advocate is hereby established in the department.~~
~~371. The office is under the supervision and control of a chief. The chief shall be appointed by the Governor, subject to confirmation by the Senate pursuant to Section 1322 of the Government Code. The chief shall be appointed for a term of four years. Upon expiration of the chief's term, the chief shall continue to serve in the position until a new chief is appointed by the Governor. The director shall fix the amount of the chief's compensation in accordance with law. The Governor may remove the chief for any cause specified in Section 106.~~
~~372. The chief shall administer and enforce the provisions of this chapter. Every power granted or duty imposed upon the chief under this chapter may be exercised or performed in the name of the chief by an employee of the office, subject to any conditions and limitations the chief may prescribe.~~
~~373. (a) The chief, in accordance with the State Civil Service Act, shall appoint a chief counsel of the office and an adequate number of attorneys, as determined by the chief counsel, to carry out the provisions of this chapter.~~
~~(b) The chief, in accordance with the State Civil Service Act, may appoint and fix the compensation of clerical or other personnel as may be necessary to carry out the provisions of this chapter.~~
~~(c) All personnel appointed under this section shall perform their duties under the supervision and direction of the chief.~~
~~374. The chief may contract for the services of experts and consultants if necessary to carry out the provisions of this chapter and may provide compensation and reimbursement of expenses for those experts and consultants in accordance with state law.~~

~~Article 3. Powers and Duties~~

~~380. (a) The office shall serve as an independent monitor pursuant to Section 474.22.~~
~~(b) The office shall review interagency agreements pursuant to Section 102.3.~~
~~381. The chief may establish through regulations a Consumer Participation Program to allow the office to award reasonable advocacy and witness fees to any person or organization that has made a substantial contribution on behalf of the interests of consumers either through the adoption of a regulation by a board or through an order or decision issued by a board in a disciplinary proceeding.~~
~~382. The office may appear at a meeting of a board and shall be permitted to participate as an amicus curiae in disciplinary proceedings by the board whenever the chief determines that the appearance or participation is required to promote or protect the interests of consumers. The office shall conform with the provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) in discharging these duties.~~
~~383. The chief shall have the following powers and it shall be his or her duty to take the following actions:~~
~~(a) Recommend and propose the enactment of legislation that is necessary to protect and promote the interests of consumers.~~
~~(b) Represent the interests of consumers before federal and state legislative and regulatory hearings.~~

~~(c) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of consumers.~~
~~(d) Study, investigate, research, and analyze matters affecting the interests of consumers.~~
~~(e) Hold public hearings, subpoena witnesses, take testimony, compel the production of books, papers, documents, and other evidence, and call upon state agencies for information.~~
~~(f) Propose and assist in the creation and development of consumer education programs.~~
~~(g) Promote ethical standards of conduct for business, professions, and consumers related to the interest of consumers.~~
~~(h) Advise the Governor and Legislature on all matters affecting the interests of consumers.~~
~~(i) Exercise and perform other functions, powers, and duties as may be deemed appropriate to protect and promote the interests of consumers as directed by the Governor or the Legislature.~~
~~(j) Maintain contact and liaison with consumer groups in California and nationally.~~
~~384. The chief shall report annually to the Governor and appear annually before the appropriate policy committees of the Legislature to report on the office's activities.~~

~~Article 4. Revenue~~

~~390. The office shall annually charge each board on a pro rata share basis an amount that is sufficient, as determined by the chief, to carry out the provisions of this chapter. The total amount of charges made pursuant to this section shall not exceed ____ million dollars ($____) annually.~~
~~391. All moneys collected pursuant to this article shall be deposited into the Consumer Advocate Fund, which is hereby created in the State Treasury. The revenue in this fund shall be expended solely for purposes of this chapter upon appropriation by the Legislature in the annual Budget Act.~~
~~SEC. 20. Section 450.1 is added to the Business and Professions Code, to read:~~
~~450.1. A person may serve as a public member of more than one board at the same time if not prohibited by any other law.~~

~~SEC. 21. Division 1.2 (commencing with Section 473) of the Business and Professions Code is repealed.~~

~~SEC. 22. Division 1.3 (commencing with Section 474.20) is added to the Business and Professions Code, to read:~~

~~DIVISION 1.3. LEGISLATIVE REVIEW OF STATE BOARDS AND BOARDS WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS~~

~~474.20. (a) A Member of the Legislature or the chief of the Office of the Consumer Advocate may submit a written request to the appropriate standing policy committee of the Legislature to conduct an analysis to evaluate any of the following entities:~~
~~(1) A board, as defined in Section 22.~~
~~(2) A state board, as defined in Section 9148.2 of the Government Code.~~
~~(b) The request made pursuant to subdivision (a) shall describe any perceived deficiencies in the operation of the board and the~~

~~detailed reasons an analysis of its operation is requested that may include, but not be limited to, the issues subject to investigation under subdivision (c) of Section 474.21.~~

~~474.21. (a) (1) The appropriate standing policy committee of the Legislature shall, through its oversight function, investigate the perceived deficiencies described in the request submitted pursuant to Section 474.20 and hold public hearings on the matter. The committee may request the Office of the Consumer Advocate to assist in the investigation. The committee shall complete these functions within a 60-day period during the regular legislative session, with the period commencing on the date of the committee's receipt of the request.~~

~~(2) Notwithstanding paragraph (1), if, in the two-year period prior to the committee's receipt of the request, public hearings relating to the same board named in the request were held by a standing policy committee of the Legislature that determined no deficiencies exist, the committee may refuse to conduct additional hearings and investigation of the board.~~

~~(b) The committee may find, on the basis of the information it obtained during its investigation, whether a question exists as to the highest priority of the operations of the board being the protection of the public when exercising its licensing, regulatory, and disciplinary functions, and whether the board is effectively protecting the public.~~

~~(c) In determining whether a question exists under subdivision (b), the committee shall review the information and allegations made in the request submitted pursuant to Section 474.20 and any related information and allegations. The committee may review issues such as the following:~~

~~(1) Whether regulation by the board is necessary to protect the public health, safety, and welfare.~~

~~(2) Whether the initial reasons for licensing or regulating a practice or profession have changed.~~

~~(3) Whether other conditions have occurred that would warrant increased, decreased, or the same amount of regulation by the board.~~

~~(4) If regulation of the profession or practice is necessary, whether existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether the board's rules promote the public interest and are within the scope of legislative intent.~~

~~(5) Whether the board operates and enforces its regulatory responsibilities in the public interest and whether its regulatory mission is impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resources, and personnel matters.~~

~~(6) Whether an analysis of the board's operations indicates that the entity performs its statutory duties efficiently and effectively.~~

~~(7) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the profession or vocation and the individuals it regulates.~~

~~(8) Whether the board and its laws or regulations stimulate or restrict competition and the extent of the economic impact the board's regulatory practices have on the state's business and technological growth.~~

~~(9) Whether complaint investigation, intervention, and disciplinary procedures adequately protect the public and whether the final disposition of complaints, investigations, restraining orders, and disciplinary actions are in the public interest or these~~

~~procedures are, instead, self-serving to the profession, vocation, or individuals being regulated by the board.~~

~~(10) Whether the scope of practice of the regulated profession or vocation contributes to the highest utilization of personnel and whether the entry requirements for the profession or vocation encourage affirmative action.~~

~~(11) Whether administrative and statutory changes are necessary to improve the board's operations to promote the public interest.~~

~~(d) The standing policy committee shall determine if a board is deficient. The committee shall report its deficiency determination to the Joint Committee on Rules. Notwithstanding any other provision of law, if a board is found deficient, each incumbent member of the board shall be removed from office without a hearing within 10 business days of receipt of the committee's deficiency report by the Joint Committee on Rules, and successor board members shall be appointed within that timeframe pursuant to Section 101.1.~~

~~474.22. (a) Within 10 business days of the date the Joint Committee on Rules receives the deficiency report described in Section 474.21, the Office of the Consumer Advocate shall assume the duties of an independent monitor for the board.~~

~~(b) Within one year of the date it assumes the duties of an independent monitor, the Office of the Consumer Advocate shall report its findings to the Governor, and the Legislature may make recommendations for required reforms of the board.~~

~~SEC. 23. 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 four 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.~~

~~SEC. 24. Section 1632.5 of the Business and Professions Code is amended to read:~~

~~1632.5. (a) Prior to implementation of paragraph (2) of subdivision (c) of Section 1632, the department's Office of Examination Resources shall review the Western Regional Examining Board examination to assure compliance with the requirements of Section 139 and to certify that the examination process meets those standards. If the department determines that the examination process fails to meet those standards, paragraph (2) of subdivision (c) of Section 1632 shall not be implemented. The review of the Western Regional Examining Board examination shall be conducted during or after the Dental Board of California's occupational analysis scheduled for the 2004-05 fiscal year, but not later than September 30, 2005. However, an applicant who successfully completes the~~

~~Western Regional Examining Board examination on or after January 1, 2005, shall be deemed to have met the requirements of subdivision (c) of Section 1632 if the department certifies that the Western Regional Examining Board examination meets the standards set forth in this subdivision.~~

~~(b) The Western Regional Examining Board examination process shall be regularly reviewed by the department pursuant to Section 139.~~

~~(c) The Western Regional Examining Board examination shall meet the mandates of subdivision (a) of Section 12944 of the Government Code.~~

~~(d) The Dental Board of California shall report on or before July 1, 2008, to the department and the Office of the Consumer Advocate on the pass rates of applicants who sat for the Western Regional Examining Board examination, compared with the pass rates of applicants who sat for the state clinical and written examination administered by the Dental Board of California. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.~~

~~SEC. 25. Section 1634.2 of the Business and Professions Code is amended to read:~~

~~1634.2. (a) An advanced education program's compliance with subdivision (c) of Section 1634.1 shall be regularly reviewed by the department pursuant to Section 139.~~

~~(b) An advanced education program described in subdivision (c) of Section 1634.1 shall meet the requirements of subdivision (a) of Section 12944 of the Government Code.~~

~~(c) The clinical residency program completion certification required by subdivision (c) of Section 1634.1 shall include a list of core competencies commensurate to those found in the board's examinations. The board, together with the department's Office of Examination Resources, shall ensure the alignment of the competencies stated in the clinical residency program completion certification with the board's current occupational analysis. The board shall implement use of the clinical residency program completion certification form and use of the core competency list through the adoption of emergency regulations by January 1, 2008.~~

~~(d) The board shall report to the department and the Office of the Consumer Advocate on or before January 1, 2010, the number of complaints received for those dentists who have obtained licensure by passing the state clinical examination and for those dentists who have obtained licensure through an advanced education program. The report shall also contain tracking information on those complaints and their disposition. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.~~

~~SEC. 26. 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 of five hundred dollars ($500) for an initial permit. The fee to renew a permit shall be two hundred dollars ($200).~~

~~(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 Legislature and the Office of the Consumer Advocate 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. 27. Section 1638.7 of the Business and Professions Code is amended to read:~~

~~1638.7. The next occupational analysis of dental licensees and oral and maxillofacial facial surgeons pursuant to Section 139 shall include a survey of the training and practices of oral and maxillofacial surgeons and, upon completion of that analysis, a report shall be made to the Legislature and the Office of the Consumer Advocate regarding the findings.~~

~~SEC. 28. Section 1742 of the Business and Professions Code is amended to read:~~

~~1742. (a) There is within the jurisdiction of the board a Committee on Dental Auxiliaries.~~

~~(b) The Committee on Dental Auxiliaries shall have the following areas of responsibility and duties:~~

~~(1) The committee shall have the following duties and authority related to education programs and curriculum:~~

~~(A) Shall evaluate all dental auxiliary programs applying for board approval in accordance with board rules governing the programs.~~

~~(B) May appoint board members to any evaluation committee. Board members so appointed shall not make a final decision on the issue of program or course approval.~~

~~(C) Shall report and make recommendations to the board as to whether a program or course qualifies for approval. The board retains the final authority to grant or deny approval to a program or course.~~

~~(D) Shall review and document any alleged deficiencies that might warrant board action to withdraw or revoke approval of a program or course, at the request of the board.~~

~~(E) May review and document any alleged deficiencies that might warrant board action to withdraw or revoke approval of a program or course, at its own initiation.~~

~~(2) The committee shall have the following duties and authority related to applications:~~

~~(A) Shall review and evaluate all applications for licensure in the various dental auxiliary categories to ascertain whether a candidate meets the appropriate licensing requirements specified by statute and board regulations.~~

~~(B) Shall maintain application records, cashier application fees, and perform any other ministerial tasks as are incidental to the application process.~~

~~(C) May delegate any or all of the functions in this paragraph to its staff.~~

~~(D) Shall issue auxiliary licenses in all cases, except where there is a question as to a licensing requirement. The board retains final authority to interpret any licensing requirement. If a question arises in the area of interpreting any licensing requirement, it shall be presented by the committee to the board for resolution.~~

~~(3) The committee shall have the following duties and authority regarding examinations:~~

~~(A) Shall advise the board as to the type of license examination it deems appropriate for the various dental auxiliary license categories.~~

~~(B) Shall, at the direction of the board, develop or cause to be developed, administer, or both, examinations in accordance with the board's instructions and periodically report to the board on the progress of those examinations. The following shall apply to the examination procedure:~~

~~(i) The examination shall be submitted to the board for its approval prior to its initial administration.~~

~~(ii) Once an examination has been approved by the board, no further approval is required unless a major modification is made to the examination.~~

~~(iii) The committee shall report to the board on the results of each examination and shall, where appropriate, recommend pass points.~~

~~(iv) The board shall set pass points for all dental auxiliary licensing examinations.~~

~~(C) May appoint board members to any examination committee established pursuant to subparagraph (B).~~

~~(4) The committee shall periodically report and make recommendations to the board concerning the level of fees for dental auxiliaries and the need for any legislative fee increase. However, the board retains final authority to set all fees.~~

~~(5) The committee shall be responsible for all aspects of the license renewal process, which shall be accomplished in accordance with this chapter and board regulations. The committee may delegate any or all of its functions under this paragraph to its staff.~~

~~(6) The committee shall have no authority with respect to the approval of continuing education providers and the board retains all of this authority.~~

~~(7) The committee shall advise the board as to appropriate standards of conduct for auxiliaries, the proper ordering of enforcement priorities, and any other enforcement-related matters that the board may, in the future, delegate to the committee. The board shall retain all authority with respect to the enforcement actions, including, but not limited to, complaint resolution, investigation, and disciplinary action against auxiliaries.~~

~~(8) The committee shall have the following duties regarding regulations:~~

~~(A) To review and evaluate all suggestions or requests for regulatory changes related to dental auxiliaries.~~

~~(B) To report and make recommendations to the board, after consultation with departmental legal counsel and the board's executive officer.~~

~~(C) To include in any report regarding a proposed regulatory change, at a minimum, the specific language of the proposed changes and the reasons for and facts supporting the need for the change. The board has the final rulemaking authority.~~

~~SEC. 29. Section 1751 of the Business and Professions Code, as amended by Section 8 of Chapter 621 of the Statutes of 2005, is amended to read:~~

~~1751. (a) The board, upon recommendation of the committee, shall adopt regulations governing the procedures that dental assistants, registered orthodontic assistants, registered surgery assistants, registered restorative assistants, registered dental assistants, registered restorative assistants in extended functions, and registered dental assistants in extended functions are authorized to perform consistent with and necessary to implement the provisions of this article, and the settings within which each may practice.~~

~~(b) The board shall conduct an initial review of the procedures, supervision level, settings under which they may be performed, and utilization of extended functions dental auxiliaries by January 1, 2012. The board shall submit the results of its review to the Legislature and the Office of the Consumer Advocate. After the initial review, a review shall be conducted at least once every five to seven years thereafter, and the board shall update regulations as necessary to keep them current with the state of dental practice.~~

~~(c) This section shall become operative on January 1, 2008.~~

~~SEC. 30. Section 2001 of the Business and Professions Code is amended to read:~~

~~2001. There is in the Department of Consumer Affairs a Medical Board of California that consists of 21 members, nine of whom shall be public members.~~

~~The Governor shall appoint 19 members to the board, subject to confirmation by the Senate, seven of whom shall be public members. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occur on or after January 1, 1983.~~

~~SEC. 31. Section 2460 of the Business and Professions Code is amended to read:~~

~~2460. There is created within the jurisdiction of the Medical Board of California and its divisions the California Board of Podiatric Medicine.~~

~~SEC. 32. Section 2531 of the Business and Professions Code is amended to read:~~

~~2531. There is in the Department of Consumer Affairs a Speech-Language Pathology and Audiology Board in which the enforcement and administration of this chapter is vested. The Speech-Language Pathology and Audiology Board shall consist of nine members, three of whom shall be public members.~~

~~SEC. 33. Section 2569 of the Business and Professions Code is repealed.~~

~~SEC. 34. Section 2570.19 of the Business and Professions Code is amended to read:~~

~~2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.~~

~~(b) The members of the board shall consist of the following:~~

~~(1) Three occupational therapists who shall have practiced~~

~~occupational therapy for five years.~~

~~(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.~~

~~(3) Three public members who shall not be licentiates of the board or of any board referred to in Section 1000 or 3600.~~

~~(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Rules Committee, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.~~

~~(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.~~

~~(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.~~

~~(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.~~

~~(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.~~

~~(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.~~

~~(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.~~

~~(k) A loan is hereby authorized from the General Fund to the Occupational Therapy Fund on or after July 1, 2000, in an amount of up to one million dollars ($1,000,000) to fund operating, personnel, and other startup costs of the board. Six hundred ten thousand dollars ($610,000) of this loan amount is hereby appropriated to the board to use in the 2000-01 fiscal year for the purposes described in~~

~~this subdivision. In subsequent years, funds from the Occupational Therapy Fund shall be available to the board upon appropriation by the Legislature in the annual Budget Act. The loan shall be repaid to the General Fund over a period of up to five years, and the amount paid shall also include interest at the rate accruing to moneys in the Pooled Money Investment Account. The loan amount and repayment period shall be minimized to the extent possible based upon actual board financing requirements as determined by the Department of Finance.~~

~~SEC. 35. Section 2602 of the Business and Professions Code is amended to read:~~

~~2602. The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.~~

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

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

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

~~SEC. 37. Section 2841 of the Business and Professions Code is amended to read:~~

~~2841. 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.~~

~~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.~~

~~SEC. 38. Section 2920 of the Business and Professions Code is amended to read:~~

~~2920. The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.~~

~~SEC. 39. Section 3010.5 of the Business and Professions Code is amended to read:~~

~~3010.5. (a) There is in the Department of Consumer Affairs a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of 11 members, five of whom shall be public members.~~

~~Six members of the board shall constitute a quorum.~~

~~(b) The board shall, with respect to conducting investigations, inquiries, and disciplinary actions and proceedings, have the authority previously vested in the board as created pursuant to Section 3010. The board may enforce any disciplinary actions undertaken by that board.~~

~~SEC. 40. Section 3502.1 of the Business and Professions Code is amended to read:~~

~~3502.1. (a) In addition to the services authorized in the regulations adopted by the board, and except as prohibited by Section 3502, while under the supervision of a licensed physician and surgeon or physicians and surgeons authorized by law to supervise a physician assistant, a physician assistant may administer or provide medication to a patient, or transmit orally, or in writing on a patient's record or in a drug order, an order to a person who may lawfully furnish the medication or medical device pursuant to subdivisions (c) and (d).~~

~~(1) A supervising physician and surgeon who delegates authority to~~

~~issue a drug order to a physician assistant may limit this authority by specifying the manner in which the physician assistant may issue delegated prescriptions.~~

~~(2) Each supervising physician and surgeon who delegates the authority to issue a drug order to a physician assistant shall first prepare and adopt, or adopt, a written, practice specific, formulary and protocols that specify all criteria for the use of a particular drug or device, and any contraindications for the selection. The drugs listed shall constitute the formulary and shall include only drugs that are appropriate for use in the type of practice engaged in by the supervising physician and surgeon. When issuing a drug order, the physician assistant is acting on behalf of and as an agent for a supervising physician and surgeon.~~

~~(b) "Drug order" for purposes of this section means an order for medication which is dispensed to or for a patient, issued and signed by a physician assistant acting as an individual practitioner within the meaning of Section 1306.02 of Title 21 of the Code of Federal Regulations. Notwithstanding any other provision of law, (1) a drug order issued pursuant to this section shall be treated in the same manner as a prescription or order of the supervising physician, (2) all references to "prescription" in this code and the Health and Safety Code shall include drug orders issued by physician assistants pursuant to authority granted by their supervising physicians, and (3) the signature of a physician assistant on a drug order shall be deemed to be the signature of a prescriber for purposes of this code and the Health and Safety Code.~~

~~(c) A drug order for any patient cared for by the physician assistant that is issued by the physician assistant shall either be based on the protocols described in subdivision (a) or shall be approved by the supervising physician before it is filled or carried out.~~

~~(1) A physician assistant shall not administer or provide a drug or issue a drug order for a drug other than for a drug listed in the formulary without advance approval from a supervising physician and surgeon for the particular patient. At the direction and under the supervision of a physician and surgeon, a physician assistant may hand to a patient of the supervising physician and surgeon a properly labeled prescription drug prepackaged by a physician and surgeon, manufacturer as defined in the Pharmacy Law, or a pharmacist.~~

~~(2) A physician assistant may not administer, provide or issue a drug order for Schedule II through Schedule V controlled substances without advance approval by a supervising physician and surgeon for the particular patient.~~

~~(3) Any drug order issued by a physician assistant shall be subject to a reasonable quantitative limitation consistent with customary medical practice in the supervising physician and surgeon's practice.~~

~~(d) A written drug order issued pursuant to subdivision (a), except a written drug order in a patient's medical record in a health facility or medical practice, shall contain the printed name, address, and phone number of the supervising physician and surgeon, the printed or stamped name and license number of the physician assistant, and the signature of the physician assistant. Further, a written drug order for a controlled substance, except a written drug order in a patient's medical record in a health facility or a medical practice, shall include the federal controlled substances registration number of the physician assistant. The requirements of this subdivision may be met through stamping or otherwise imprinting on the supervising physician and surgeon's prescription blank to show the name, license number, and if applicable, the federal controlled~~

~~substances number of the physician assistant, and shall be signed by the physician assistant. When using a drug order, the physician assistant is acting on behalf of and as the agent of a supervising physician and surgeon.~~

~~(e) The medical record of any patient cared for by a physician assistant for whom the supervising physician and surgeon's Schedule II drug order has been issued or carried out shall be reviewed and countersigned and dated by a supervising physician and surgeon within seven days.~~

~~(f) All physician assistants who are authorized by their supervising physicians to issue drug orders for controlled substances shall register with the United States Drug Enforcement Administration (DEA).~~

~~(g) The committee shall consult with the Medical Board of California and report to the Legislature and the Office of the Consumer Advocate periodically, as necessary, on the impacts of exempting Schedule III and Schedule IV drug orders from the requirement for a physician and surgeon to review and countersign the affected medical record of a patient.~~

~~SEC. 41. Section 3504 of the Business and Professions Code is amended to read:~~

~~3504. There is established a Physician Assistant Committee of the Medical Board of California. The committee consists of nine members.~~

~~SEC. 42. Section 3685 of the Business and Professions Code is amended to read:~~

~~3685. The provisions of Article 8 (commencing with Section 3680) shall become operative on January 1, 2004, but the remaining provisions of this chapter shall become operative on July 1, 2004. It is the intent of the Legislature that the initial implementation of this chapter be administered by fees collected in advance from applicants. Therefore, the bureau shall have the power and authority to establish fees and receive applications for licensure or intents to file application statements on and after January 1, 2004. The department shall certify that sufficient funds are available prior to implementing this chapter. Funds from the General Fund may not be used for the purpose of implementing this chapter.~~

~~SEC. 43. Section 3710 of the Business and Professions Code is amended to read:~~

~~3710. The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.~~

~~SEC. 44. Section 4001 of the Business and Professions Code is amended to read:~~

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

~~(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall not be a licensee of the board, any other board under this division, or any board referred to in Section 1000 or 3600.~~

~~(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following~~

~~practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a "chain community pharmacy" means a chain of 75 or more stores in California under the same ownership, and an "independent community pharmacy" means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.~~

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

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

~~SEC. 45. Section 4003 of the Business and Professions Code is amended to read:~~

~~4003. (a) The board 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. The executive officer may or may not be a member of the board as the board may determine.~~

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

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

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

~~SEC. 46. Section 4200.1 of the Business and Professions Code is amended to read:~~

~~4200.1. (a) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination four times, and may take the Multi-State Pharmacy Jurisprudence Examination for California four times.~~

~~(b) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California four additional times each if he or she successfully completes, at minimum, 16 additional semester units of education in pharmacy as approved by the board.~~

~~(c) The applicant shall comply with the requirements of Section 4200 for each application for reexamination made pursuant to subdivision (b).~~

~~(d) An applicant may use the same coursework to satisfy the additional educational requirement for each examination under subdivision (b), if the coursework was completed within 12 months of the date of his or her application for reexamination.~~

~~(e) For purposes of this section, the board shall treat each failing score on the pharmacist licensure examination administered by the board prior to January 1, 2004, as a failing score on both the~~

~~North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California.~~

~~(f) From January 1, 2004, to July 1, 2008, inclusive, the board shall collect data on the applicants who are admitted to, and take, the licensure examinations required by Section 4200. The board shall report to the Legislature and the Office of the Consumer Advocate before September 1, 2008, regarding the impact on those applicants of the examination limitations imposed by this section. The report shall include, but not be limited to, the following information:~~

~~(1) The number of applicants taking the examination and the number who fail the examination for the fourth time.~~

~~(2) The number of applicants who, after failing the examination for the fourth time, complete a pharmacy studies program in California or another state to satisfy the requirements of this section and who apply to take the licensure examination required by Section 4200.~~

~~(3) To the extent possible, the school from which the applicant graduated and the school's location and the pass/fail rates on the examination for each school.~~

~~(g) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.~~

~~SEC. 47. Section 4200.3 of the Business and Professions Code is amended to read:~~

~~4200.3. (a) The examination process shall be regularly reviewed pursuant to Section 139.~~

~~(b) The examination process shall meet the standards and guidelines set forth in the Standards for Educational and Psychological Testing and the Federal Uniform Guidelines for Employee Selection Procedures. The board shall work with the Office of Examination Resources of the department or with an equivalent organization who shall certify at minimum once every five years that the examination process meets these national testing standards. If the department determines that the examination process fails to meet these standards, the board shall terminate its use of the North American Pharmacy Licensure Examination and shall use only the written and practical examination developed by the board.~~

~~(c) The examination shall meet the mandates of subdivision (a) of Section 12944 of the Government Code.~~

~~(d) The board shall work with the Office of Examination Resources or with an equivalent organization to develop the state jurisprudence examination to ensure that applicants for licensure are evaluated on their knowledge of applicable state laws and regulations.~~

~~(e) The board shall annually publish the pass and fail rates for the pharmacist's licensure examination administered pursuant to Section 4200, including a comparison of historical pass and fail rates before utilization of the North American Pharmacist Licensure Examination.~~

~~(f) The board shall annually report to the Legislature, the Office of the Consumer Advocate, and the department, the pass rates of applicants who sat for the national examination compared with the pass rates of applicants who sat for the prior state examination. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.~~

~~SEC. 48. Section 4501 of the Business and Professions Code is amended to read:~~

~~4501. "Board," as used in this chapter, means the Board of~~

~~Vocational Nursing and Psychiatric Technicians.~~

~~SEC. 49. Section 4800 of the Business and Professions Code is amended to read:~~

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

~~SEC. 50. Section 4928 of the Business and Professions Code is amended to read:~~

~~4928. The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter. The appointing powers, as described in Section 4929, may appoint to the board a person who was a member of the prior board prior to the repeal of that board on January 1, 2006.~~

~~SEC. 51. Section 4989 of the Business and Professions Code is repealed.~~

~~SEC. 52. Section 4990 of the Business and Professions Code is amended to read:~~

~~4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of 11 members composed as follows:~~

~~(1) Two state licensed clinical social workers.~~

~~(2) One state licensed educational psychologist.~~

~~(3) Two state licensed marriage and family therapists.~~

~~(4) Six public members.~~

~~(b) Each member, except the six public members, shall have at least two years of experience in his or her profession.~~

~~(c) Each member shall reside in the State of California.~~

~~(d) The Governor shall appoint four of the public members and the five licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.~~

~~(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Speaker of the Assembly or the Senate Committee on Rules shall hold office until the appointment and qualification of his or her successor or until one year from the expiration date of the term for which he or she was appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of his or her successor or until 60 days from the expiration date of the term for which he or she was appointed, whichever first occurs.~~

~~(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.~~

~~(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.~~

~~(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.~~

~~SEC. 53. Section 4990.24 of the Business and Professions Code is repealed.~~

~~SEC. 54. Section 5000 of the Business and Professions Code is amended to read:~~

~~5000. There is in the Department of Consumer Affairs the California Board of Accountancy, which consists of 15 members, seven of whom shall be licensees, and eight of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.~~

~~The Governor shall appoint four of the public members, and the seven licensee members as provided in this section. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint two public members. In appointing the seven licensee members, the Governor shall appoint members representing a cross section of the accounting profession with at least two members representing a small public accounting firm. For the purposes of this chapter, a small public accounting firm shall be defined as a professional firm that employs a total of no more than four licensees as partners, owners, or full-time employees in the practice of public accountancy within the State of California.~~

~~SEC. 55. Section 5510 of the Business and Professions Code is amended to read:~~

~~5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.~~

~~Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.~~

~~SEC. 56. Section 5621 of the Business and Professions Code is amended to read:~~

~~5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.~~

~~(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.~~

~~(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed whichever first occurs. Vacancies shall be filled for the unexpired term.~~

~~(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.~~

~~SEC. 57. Section 5810 of the Business and Professions Code is amended to read:~~

~~5810. This chapter shall be subject to the process described in Division 1.3 (commencing with Section 474.20).~~

~~SEC. 58. Section 5811 of the Business and Professions Code is amended to read:~~

~~5811. An interior design organization issuing stamps under Section 5801 shall provide to the Legislature and the Office of the Consumer Advocate by September 1, 2008, a report that reviews and assesses the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination.~~

~~SEC. 59. Section 6510 of the Business and Professions Code is amended to read:~~

~~6510. (a) There is within the jurisdiction of the department the Professional Fiduciaries Bureau. The bureau is under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief of the bureau, who is responsible to the director. Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name~~

~~of the director by a deputy director or by the chief, subject to conditions and limitations as the director may prescribe.~~

~~(b) The Governor shall appoint, subject to confirmation by the Senate, the chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.~~

~~SEC. 60. Section 6511 of the Business and Professions Code is amended to read:~~

~~6511. (a) There is within the bureau a Professional Fiduciaries Advisory Committee. The committee shall consist of seven members; three of whom shall be licensees actively engaged as professional fiduciaries in this state,~~
~~and four of whom shall be public members. One of the public members shall be a member of a nonprofit organization advocating on behalf of the elderly, and one of the public members shall be a probate court investigator.~~

~~(b) Each member of the committee shall be appointed for a term of four years, and shall hold office until the appointment of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs.~~

~~(c) Vacancies shall be filled by the appointing power for the unexpired portion of the terms in which they occur. No person shall serve as a member of the committee for more than two consecutive terms.~~

~~(d) The Governor shall appoint the member from a nonprofit organization advocating on behalf of the elderly, the probate court investigator, and the three licensees. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.~~

~~(e) Every member of the committee shall receive per diem and expenses as provided in Sections 103 and 113.~~

~~(f) The committee shall do all of the following:~~

~~(1) Examine the functions and policies of the bureau and make recommendations with respect to policies, practices, and regulations as may be deemed important and necessary by the director or the chief to promote the interests of consumers or that otherwise promote the welfare of the public.~~

~~(2) Consider and make appropriate recommendations to the bureau in any matter relating to professional fiduciaries in this state.~~

~~(3) Provide assistance as may be requested by the bureau in the exercise of its powers or duties.~~

~~(4) Meet at least once each quarter. All meetings of the committee shall be public meetings.~~

~~(g) The bureau shall meet and consult with the committee regarding general policy issues related to professional fiduciaries.~~

~~SEC. 61. Section 6710 of the Business and Professions Code is amended to read:~~

~~6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.~~

~~(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.~~

~~SEC. 62. Section 7000.5 of the Business and Professions Code is amended to read:~~

~~7000.5. There is in the Department of Consumer Affairs a~~

~~Contractors' State License Board, which consists of 15 members.~~

~~SEC. 63. Section 7200 of the Business and Professions Code is amended to read:~~

~~7200. There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Director of Rehabilitation or his or her designated representative. The remaining members shall be persons who have shown a particular interest in dealing with the problems of the blind, and at least two of them shall be blind persons who use guide dogs.~~

~~SEC. 64. Section 7303 of the Business and Professions Code is amended to read:~~

~~7303. (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.~~

~~(b) The board shall consist of nine members. Five members shall be public members and four members shall represent the professions. The Governor shall appoint three of the public members and the four professions members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.~~

~~(c) The board shall appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.~~

~~(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.~~

~~SEC. 65. Section 7304 of the Business and Professions Code is repealed.~~

~~SEC. 66. Section 7810 of the Business and Professions Code is amended to read:~~

~~7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.~~

~~Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.~~

~~Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve as a member of the board for more than two consecutive terms.~~

~~The Governor shall appoint three of the public members and the three members qualified as provided in Section 7811. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983.~~

~~At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.~~

~~SEC. 67. Section 8000 of the Business and Professions Code is amended to read:~~

~~8000. There is in the Department of Consumer Affairs a Court Reporters Board of California, which consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued under this chapter who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.~~

~~SEC. 68. Section 8520 of the Business and Professions Code is amended to read:~~

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

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

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

~~SEC. 69. Section 8710 of the Business and Professions Code is amended to read:~~

~~8710. (a) The Board for Professional Engineers and Land Surveyors is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.~~

~~(b) The board may adopt rules and regulations of professional conduct that are not inconsistent with state and federal law. The rules and regulations may include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7 (commencing with Section 6700), shall be governed by these rules and regulations.~~

~~SEC. 70. Section 9882 of the Business and Professions Code is amended to read:~~

~~9882. There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that he or she determines are reasonably necessary to carry out the purposes of this chapter and declaring the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9. These rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~SEC. 71. Section 18602 of the Business and Professions Code is amended to read:~~

~~18602. (a) Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of seven members. Five members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, and one member shall be appointed by the Speaker of the Assembly.~~

~~The members of the commission appointed by the Governor are subject to confirmation by the Senate pursuant to Section 1322 of the Government Code.~~

~~No person who is currently licensed, or who was licensed within the last two years, under this chapter may be appointed or reappointed to, or serve on, the commission.~~

~~(b) In appointing commissioners under this section, the Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall make every effort to ensure that at least four of the members of the commission shall have experience and demonstrate expertise in one of the following areas:~~

~~(1) A licensed physician or surgeon having expertise or specializing in neurology, neurosurgery, head trauma, or sports medicine. Sports medicine includes, but is not limited to, physiology, kinesiology, or other aspects of sports medicine.~~

~~(2) Financial management.~~

~~(3) Public safety.~~

~~(4) Past experience in the activity regulated by this chapter, either as a contestant, a referee or official, a promoter, or a venue operator.~~

~~(c) Each member of the commission shall be appointed for a term of four years. All terms shall end on January 1. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term. No commission member may serve more than two consecutive terms.~~

~~(d) Notwithstanding any other provision of this chapter, members first appointed shall be subject to the following terms:~~

~~(1) The Governor shall appoint two members for two years, two members for three years, and one member for four years.~~

~~(2) The Senate Committee on Rules shall appoint one member for four years.~~

~~(3) The Speaker of the Assembly shall appoint one member for four years.~~

~~(4) The appointing powers, as described in subdivision (a), may appoint to the commission a person who was a member of the prior commission prior to the repeal of that commission on July 1, 2006.~~

~~SEC. 72. Section 18602.5 of the Business and Professions Code is amended to read:~~

~~18602.5. (a) The commission shall adopt and submit a strategic plan to the Governor and the Legislature on or before September 30, 2008. The commission shall also submit a report to the Governor and the Legislature on the status of the adoption of the strategic plan on or before March 1, 2008. The strategic plan shall include, but shall not be limited to, efforts to resolve prior State Athletic Commission deficiencies in the following areas:~~

~~(1) Regulation of the profession, what fees should be paid for this regulation, and the structure and equity of the fees charged.~~

~~(2) The effect and appropriateness of contracts made pursuant to Section 18828.~~

~~(3) Costs to train ringside physicians, referees, timekeepers, and judges.~~

~~(4) Steps that need to be taken to ensure sufficient sources of revenue and funding.~~

~~(5) Necessity for review and modification of organizational procedures, the licensing process, and the complaint process.~~
~~(6) Outdated information technology.~~
~~(7) Unorganized and improper accounting.~~
~~(8) Miscalculations at events, a lack of technology to record proper calculations, and funding issues.~~
~~(9) The health and safety of the participants and the public in attendance at events regulated under this chapter, including costs of examinations under Section 18711.~~
~~(b) The commission shall solicit input from the public, the State Auditor, the Little Hoover Commission, the Center for Public Interest Law, and others as necessary in preparing and adopting the strategic plan.~~
~~(c) The commission shall report on progress in implementing the strategic plan to the Director of Consumer Affairs, the Governor, and the Legislature on or before September 30, 2009.~~
~~SEC. 73. Section 18824 of the Business and Professions Code is amended to read:~~
~~18824. (a) Except as provided in Sections 18646 and 18832, every person who conducts a contest or wrestling exhibition shall, within five working days after the determination of every contest or wrestling exhibition for which admission is charged and received, furnish to the commission the following:~~
~~(1) A written report executed under penalty of perjury by one of the officers, showing the amount of the gross receipts, not to exceed two million dollars ($2,000,000), and the gross price for the contest or wrestling exhibition charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of the contest or wrestling exhibition, and without any deductions, except for expenses incurred for one broadcast announcer, telephone line connection, and transmission mobile equipment facility, which may be deducted from the gross taxable base when those expenses are approved by the commission.~~
~~(2) A fee of 5 percent, exclusive of any federal taxes paid thereon, of the amount paid for admission to the contest or wrestling exhibition, except that for any one contest, the fee shall not exceed the amount of one hundred thousand dollars ($100,000). The commission shall report to the Legislature and the Office of the Consumer Advocate on the fiscal impact of the one hundred thousand dollar ($100,000) limit on fees collected by the commission for admissions revenues.~~
~~(A) The amount of the gross receipts upon which the fee provided for in paragraph (2) is calculated shall not include any assessments levied by the commission under Section 18711.~~
~~(B) (i) If the fee for any one boxing contest exceeds seventy thousand dollars ($70,000), the amount in excess of seventy thousand dollars ($70,000) shall be paid one-half to the commission and one-half to the Boxers' Pension Fund.~~
~~(ii) If the report required by subdivision (b) of Section 18618 recommends that the Boxers' Pension Fund shall be expanded to include all athletes licensed under this chapter, the commission, by regulation, shall require, for all contests where the fee exceeds seventy thousand dollars ($70,000), the amount in excess of seventy thousand dollars ($70,000) shall be paid one-half to the commission and one-half to the Boxers' Pension Fund only if all athletes licensed under this chapter are made eligible for the Boxers' Pension Fund.~~
~~(C) The fee shall apply to the amount actually paid for admission and not to the regular established price.~~

~~(D) No fee is due in the case of a person admitted free of charge. However, if the total number of persons admitted free of charge to a boxing, kickboxing, or martial arts contest, or wrestling exhibition exceeds 33 percent of the total number of spectators, then a fee of one dollar ($1) per complimentary ticket or pass used to gain admission to the contest shall be paid to the commission for each complimentary ticket or pass that exceeds the numerical total of 33 percent of the total number of spectators.~~

~~(E) The minimum fee for an amateur contest or exhibition shall not be less than five hundred dollars ($500).~~

~~(3) A fee of up to 5 percent, to be established by the commission through regulations to become operative on or before July 1, 2008, and updated periodically as needed, of the gross price, exclusive of any federal taxes paid thereon, for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall the fee be less than one thousand dollars ($1,000) or more than twenty-five thousand dollars ($25,000).~~

~~(b) As used in this section, "person" includes a promoter, club, individual, corporation, partnership, association, or other organization, and "wrestling exhibition" means a performance of wrestling skills and techniques by two or more individuals, to which admission is charged or which is broadcast or televised, in which the participating individuals are not required to use their best efforts in order to win, and for which the winner may have been selected before the performance commences.~~

~~SEC. 74. Section 18882 of the Business and Professions Code is amended to read:~~

~~18882. (a) At the time of payment of the fee required by Section 18824, a promoter shall pay to the commission all amounts scheduled for contribution to the pension plan. If the commission, in its discretion, requires pursuant to Section 18881, that contributions to the pension plan be made by the boxer and his or her manager, those contributions shall be made at the time and in the manner prescribed by the commission.~~

~~(b) All contributions to finance the pension plan shall be deposited in the State Treasury and credited to the Boxers' Pension Fund, which is hereby created. Notwithstanding the provisions of Section 13340 of the Government Code, all moneys in the Boxers' Pension Fund are hereby continuously appropriated to be used exclusively for the purposes and administration of the pension plan.~~

~~(c) The Boxers' Pension Fund is a retirement fund, and no moneys within it shall be deposited or transferred to the General Fund.~~

~~(d) The commission has exclusive control of all funds in the Boxers' Pension Fund. No transfer or disbursement in any amount from this fund shall be made except upon the authorization of the commission and for the purpose and administration of the pension plan.~~

~~(e) Except as otherwise provided in this subdivision, the commission or its designee shall invest the money contained in the Boxers' Pension Fund according to the same standard of care as provided in Section 16040 of the Probate Code. The commission has exclusive control over the investment of all moneys in the Boxers' Pension Fund. Except as otherwise prohibited or restricted by law, the commission may invest the moneys in the fund through the purchase, holding, or sale of any investment, financial instrument, or financial transaction that the commission in its informed opinion determines is prudent.~~

~~(f) The administrative costs associated with investing, managing, and distributing the Boxers' Pension Fund shall be limited to no more than 20 percent of the average annual contribution made to the fund~~

~~in the previous two years, not including any investment income derived from the corpus of the fund. Diligence shall be exercised by administrators in order to lower the fund's expense ratio as far below 20 percent as feasible and appropriate. The commission shall report to the Legislature and the Office of the Consumer Advocate on the impact of this provision on or before March 1, 2008.~~

~~SEC. 75. Section 22259 of the Business and Professions Code is repealed.~~

~~SEC. 76. Section 9148.8 of the Government Code is amended to read:~~

~~9148.8. (a) The Office of the Consumer Advocate, acting pursuant to a request from the chairperson of the appropriate policy committee, shall evaluate a plan prepared pursuant to Section 9148.4 or 9148.6.~~

~~(b) Evaluations prepared by the Office of the Consumer Advocate pursuant to this section shall be provided to the respective policy and fiscal committees of the Legislature pursuant to rules adopted by each committee for this purpose.~~

~~SEC. 77. Section 9148.51 of the Government Code is amended to read:~~

~~9148.51. (a) It is the intent of the Legislature that all existing and proposed state boards be subject to review upon request by a Member of the Legislature or the chief of the Office of the Consumer Advocate, as provided in Division 1.3 (commencing with Section 474.20) of the Business and Professions Code, to evaluate and determine whether the highest priority of each board is the protection of the public.~~

~~(b) If any state board is determined to be deficient pursuant to Section 474.21 of the Business and Professions Code, the incumbent members of the board shall be removed from office without a hearing as described in Section 474.21 of the Business and Professions Code, and a successor board shall be appointed pursuant to Section 101.1 of the Business and Professions Code.~~

~~SEC. 78. Section 9148.52 of the Government Code is repealed.~~

Bill Number: SB 1402
Introduced: February 21, 2008
Last Amended: June 11, 2008

Author: Corbett
Vote: Majority

Bill Summary:

This bill would require the Board of Chiropractic Examiners (BCE) to disclose, via the Internet, licensing status information, suspensions, and revocations. The bill would require a chiropractor to report to the BCE the bringing of an indictment or information of charges or convictions of any misdemeanor or felony against them. In addition, the bill would require an insurer providing professional liability insurance to a chiropractor to report to the BCE of any settlement or arbitration award of over $2,000 for certain damages, and would impose a fine for falling to provide timely reports.

Purpose of the Bill:

According to the Author, this bill is intended to increase consumer protection and provide the BCE with information in a timely manner to take appropriate action, if warranted.

Existing Law:

Certain entities within the Department of Consumer Affairs and the Department of Real Estate are required to provide information, excluding personal information, on the Internet relative to the status of every license issued. Insurers providing professional liability insurance to health care professionals are required to send reports to the appropriate licensing agency regarding any settlement or arbitration awards of $3,000. Certain health care providers are required to report to the appropriate licensing agency the bringing of an indictment and/or information charging or conviction of a felony or misdemeanor against a licensee.

Specifically, this bill would:

- Add the BCE to the entities required to provide licensing status information.

- Require insurers providing liability insurance to report to the BCE any settlement or arbitration award over $2,000 of a claim or action for damages for death or injury caused by the licensees' negligence, error, or omission in practice, or rendering of unauthorized professional services within 30 days after service of the arbitration award.

- Impose a fine to the insurer providing liability insurance that fails to provide timely reports of $1, 000 for each day that a report is delinquent.

The fine imposed would be paid to the BCE and available for expenditure upon appropriation by the Legislature.

- Require a chiropractor to report to the BCE a bringing of an indictment, charging of a felony, or misdemeanor against the licensee, within 30 days from the date of an indictment or information of the charges. A licensee that fails to comply with the reporting requirement is subject to a fine not to exceed $5,000.

Fiscal Impact:

The BCE currently provides licensing status information, suspensions, revocations, and other related enforcement actions, via the Internet. The BCE will experience an increase in workload associated with the review and, possible investigation of the settlement or arbitration reports received from insurance providers. However, the BCE staff believes this would not significantly increase workload, and should be able to be absorbed with existing staff. In addition, with the imposed fine requirements, the BCE may experience an increase in revenue.

BILL NUMBER: SB 1402 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY JUNE 11, 2008
AMENDED IN SENATE APRIL 10, 2008
AMENDED IN SENATE APRIL 1, 2008

INTRODUCED BY Senator Corbett

FEBRUARY 21, 2008

An act to amend Sections 27, ~~801,~~ 802.1, and 1005 of *, and to amend, repeal, and add Section 801 of,* the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1402, as amended, Corbett. Reporting requirements.

Existing law provides for the licensure, registration, and regulation of healing arts practitioners by various boards and bureaus, including, but not limited to, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Veterinary Medical Board, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology Board, the Respiratory Care Board of California, the California Board of Occupational Therapy, and the Bureau of Naturopathic Medicine. Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic. Existing law requires certain entities within the Department of Consumer Affairs and the Department of Real Estate to provide information, excluding personal information, on the Internet relative to the status of every license issued by the entity, as specified. Existing law requires certain health care providers to report to their licensing boards the bringing of an indictment or information charging a felony against him or her or his or her conviction of a felony or misdemeanor. ~~Existing law requires insurers providing professional liability insurance to certain health care professionals to send a complete report to the applicable licensing entity as to any settlement or arbitration award meeting certain criteria.~~

This bill would add the *State* Board of Chiropractic Examiners and specified other healing arts boards and bureaus to the entities required to provide the licensing status information. The bill would require a chiropractor to report to the *State* Board of Chiropractic Examiners the bringing of an indictment or information charging a felony against them or their conviction of any felony or misdemeanor. ~~The bill would also require an insurer providing professional liability insurance to a chiropractor to send a complete report to the Chiropractic Examiners Board, as specified, of any settlement or arbitration award of over $2,000 of a claim or action for damages meeting certain criteria.~~

Existing law requires insurers providing professional liability insurance to certain health care professionals to send a complete report within a specified time period to the applicable licensing entity as to any settlement or arbitration award over $3,000 of a claim or action for damages meeting certain criteria.

This bill would require an insurer providing professional liability insurance to a chiropractor to pay a fine for failing to timely provide that report and would, until January 1, 2012, require an insurer providing professional liability insurance to a chiropractor to send that report as to any settlement or arbitration award over $2,000, 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:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Every entity specified in subdivision (b) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. In providing information on the Internet, each entity shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Acupuncture Board shall disclose information on its licensees.

(2) The Board of Behavioral Sciences shall disclose information on its licensees, including marriage and family therapists, licensed clinical social workers, and licensed educational psychologists.

(3) The Dental Board of California shall disclose information on its licensees.

(4) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(5) The Board for Professional Engineers and Land Surveyors shall disclose information on its registrants and licensees.

(6) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(7) The Bureau of Automotive Repair shall disclose information on

its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(8) The Bureau of Electronic and Appliance Repair shall disclose information on its licensees, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(9) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, crematories, and cremated remains disposers.

(10) The Cemetery and Funeral Bureau shall disclose information on its licensees, including embalmers, funeral establishments, and funeral directors.

(11) The Contractors' State License Board shall disclose information on its licensees in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(12) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(13) The *State* Board of Chiropractic Examiners shall disclose information on its licensees.

(14) The Board of Registered Nursing shall disclose information on its licensees.

(15) The Board of Vocational Nursing and Psychiatric Technicians of the State of California shall disclose information on its licensees.

(16) The Veterinary Medical Board shall disclose information on its licensees and registrants.

(17) The Physical Therapy Board of California shall disclose information on its licensees.

(18) The California State Board of Pharmacy shall disclose information on its licensees.

(19) The Speech-Language Pathology and Audiology Board shall disclose information on its licensees.

(20) The Respiratory Care Board of California shall disclose information on its licensees.

(21) The California Board of Occupational Therapy shall disclose information on its licensees.

(22) The Bureau of Naturopathic Medicine shall disclose information on its licensees.

(c) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (e) of Section 17538.

SEC. 2. Section 801 of the Business and Professions Code is amended to read:

801. (a) Except as provided in Section 801.01 and subdivisions (b), (c), (d), and (e) of this section, every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency mentioned in subdivision (a) of Section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the

arbitration award on the parties.

(b) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 13 (commencing with Section 4980) or Chapter 14 (commencing with Section 4990) shall send a complete report to the Board of Behavioral ~~Science Examiners~~ *Sciences* as to any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(c) Every insurer providing professional liability insurance to a dentist licensed pursuant to Chapter 4 (commencing with Section 1600) shall send a complete report to the Dental Board of California as to any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(d) Every insurer providing *professional* liability insurance to a veterinarian licensed pursuant to Chapter 11 (commencing with Section 4800) shall send a complete report to the Veterinary Medical Board of any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(e) *(1)* Every insurer providing *professional* liability insurance to a chiropractor licensed pursuant to the Chiropractic Act shall send a complete report to the *State* Board of Chiropractic Examiners of any settlement or arbitration award over two thousand dollars ($2,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(2) An insurer that fails to send the report described in paragraph (1) within the time period described in paragraph (1) shall pay a fine not to exceed one thousand dollars ($1,000) for each day that the report is delinquent. These moneys shall be paid to the State Board of Chiropractic Examiner's Fund and shall be available for expenditure upon appropriation by the Legislature.

(f) The insurer shall notify the claimant, or if the claimant is represented by counsel, the insurer shall notify the claimant's attorney, that the report required by this section has been sent to the agency. If the attorney has not received this notice within 45 days after the settlement was reduced to writing and signed by all of the parties, the arbitration award was served on the parties, or the date of entry of the civil judgment, the attorney shall make the report to the agency.

(g) Notwithstanding any other provision of law, no insurer shall enter into a settlement without the written consent of the insured, except that this prohibition shall not void any settlement entered into without that written consent. The requirement of written consent shall only be waived by both the insured and the insurer.

(h) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 3. Section 801 is added to the Business and Professions Code , to read:

801. (a) (1) Except as provided in Section 801.01 and subdivisions (b), (c), and (d) of this section, every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency mentioned in subdivision (a) of Section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(2) An insurer providing professional liability insurance to a chiropractor licensed pursuant to the Chiropractic Act that fails to send the report described in paragraph (1) to the State Board of Chiropractic Examiners within the time period described in paragraph (1) shall pay a fine of one thousand dollars ($1,000) for each day that the report is delinquent. These moneys shall be paid to the State Board of Chiropractic Examiners' Fund and shall be available for expenditure upon appropriation by the Legislature.

(b) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 13 (commencing with Section 4980) or Chapter 14 (commencing with Section 4990) shall send a complete report to the Board of Behavioral Sciences as to any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(c) Every insurer providing professional liability insurance to a dentist licensed pursuant to Chapter 4 (commencing with Section 1600) shall send a complete report to the Dental Board of California as to any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(d) Every insurer providing professional liability insurance to a veterinarian licensed pursuant to Chapter 11 (commencing with Section 4800) shall send a complete report to the Veterinary Medical Board of any settlement or arbitration award over ten thousand dollars ($10,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or

rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(e) The insurer shall notify the claimant, or if the claimant is represented by counsel, the insurer shall notify the claimant's attorney, that the report required by this section has been sent to the agency. If the attorney has not received this notice within 45 days after the settlement was reduced to writing and signed by all of the parties, the arbitration award was served on the parties, or the date of entry of the civil judgment, the attorney shall make the report to the agency.

(f) Notwithstanding any other provision of law, no insurer shall enter into a settlement without the written consent of the insured, except that this prohibition shall not void any settlement entered into without that written consent. The requirement of written consent shall only be waived by both the insured and the insurer.

(g) This section shall become operative on January 1, 2012.

~~SEC. 3.~~ *SEC. 4.* Section 802.1 of the Business and Professions Code is amended to read:

802.1. (a) (1) A physician and surgeon, an osteopathic physician and surgeon, a doctor of podiatric medicine, and a chiropractor shall report either of the following to the entity that issued his or her license:

(A) The bringing of an indictment or information charging a felony against the licensee.

(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or information or of the conviction.

(b) Failure to make a report required by this section shall be a public offense punishable by a fine not to exceed five thousand dollars ($5,000).

~~SEC. 4.~~ *SEC. 5.* Section 1005 of the Business and Professions Code is amended to read:

1005. The provisions of Sections 12.5, 23.9, 27, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704, 710, 716, 730.5, 731, 801, 802.1, and 851 are applicable to persons licensed by the State Board of Chiropractic Examiners under the Chiropractic Act.