

Exhibit S



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Status - 06/26/2012 1938 bytes

History - 06/26/2012 2015 bytes

Bill Text

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Amended	- 04/17/2012	<u>HTML</u> - 150526 bytes	<u>PDF</u> - 377145 bytes
Introduced	- 02/23/2012	<u>HTML</u> - 4384 bytes	<u>PDF</u> - 144009 bytes

Analyses

<u>Assembly Committee</u>	- 06/25/2012 - 27585 bytes
<u>Senate Floor</u>	- 05/25/2012 - 17472 bytes
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Votes

<u>Assembly Committee</u>	- 06/26/2012 - 912 bytes
<u>Senate Floor</u>	- 05/30/2012 - 1023 bytes
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COMPLETE BILL HISTORY

BILL NUMBER : S.B. No. 1236
AUTHOR : Price
TOPIC : Healing arts boards.

TYPE OF BILL :

Active
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

BILL HISTORY

2012

June 26 From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 26). Re-referred to Com. on APPR.
June 18 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & C.P.
June 7 Referred to Com. on B., P. & C.P.
May 30 In Assembly. Read first time. Held at Desk.
May 30 Read third time. Passed. (Ayes 37. Noes 0. Page 3694.) Ordered to the Assembly.
May 25 Read second time. Ordered to third reading.
May 24 From committee: Do pass. (Ayes 7. Noes 0. Page 3593.) (May 24).
May 18 Set for hearing May 24.
May 7 Placed on APPR. suspense file.
Apr. 27 Set for hearing May 7.
Apr. 24 From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 3259.) (April 23). Re-referred to Com. on APPR.
Apr. 17 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E.D.
Apr. 11 Set for hearing April 23.
Mar. 8 Referred to Com. on B., P. & E.D.
Feb. 24 From printer. May be acted upon on or after March 25.
Feb. 23 Introduced. Read first time. To Com. on RLS. for assignment. To print.

BOARD'S PROPOSED LEGISLATIVE CHANGES
BUSINESS & PROFESSIONS CODE
DIVISION 2 (HEALING ARTS)
CHAPTER 5 (MEDICINE)
ARTICLE 22

2460. (a) There is created within the jurisdiction of the Medical Board of California the California Board of Podiatric Medicine.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date. The repeal of this section renders the California Board of Podiatric Medicine subject to the review required by Division 1.2 (commencing with Section 473).

2460.1. Protection of the public shall be the highest priority for the California Board of Podiatric Medicine in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

2461. As used in this article:

(a) "Division" means the Division of Licensing of the Medical Board of California.

(b) "Board" means the California Board of Podiatric Medicine.

(c) "Podiatric licensing authority" refers to any officer, board, commission, committee, or department of another state that may issue a license to practice podiatric medicine.

2462. The board shall consist of seven members, three of whom shall be public members. Not more than one member of the board shall be a full-time faculty member of a college or school of podiatric medicine.

The Governor shall appoint the four members qualified as provided in Section 2463 and one public member. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

2463. Each member of the board, except the public members, shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next preceding his or her appointment.

(b) Be a graduate of a recognized school or college of podiatric medicine.

(c) Have a valid certificate to practice podiatric medicine in this state.

(d) Have engaged in the practice of podiatric medicine in this state for at least five years next preceding his or her appointment.

2464. The public members shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this state for at least five years next

preceding his or her appointment.

(b) Shall not be an officer or faculty member of any college, school, or other institution engaged in podiatric medical instruction.

(c) Shall not be a licentiate of the board or of any board under this division or of any board created by an initiative act under this division.

2465. No person who directly or indirectly owns any interest in any college, school, or other institution engaged in podiatric medical instruction shall be appointed to the board nor shall any incumbent member of the board have or acquire any interest, direct or indirect, in any such college, school, or institution.

2466. All members of the board shall be appointed for terms of four years. Vacancies shall immediately 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 board for more than two consecutive terms.

2467. (a) The board may convene from time to time as it deems necessary.

(b) Four members of the board constitute a quorum for the transaction of business at any meeting.

(c) It shall require the affirmative vote of a majority of those members present at a meeting, those members constituting at least a quorum, to pass any motion, resolution, or measure.

(d) The board shall annually elect one of its members to act as president and a member to act as vice president who shall hold their respective positions at the pleasure of the board. The president may call meetings of the board and any duly appointed committee at a specified time and place.

2468. 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).

2469. Each member of the board shall receive per diem and expenses as provided in Section 2016.

2470. The board may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), regulations necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

2471. Except as provided by Section 159.5, the board may employ, within the limits of the funds received by the board, all personnel necessary to carry out this chapter.

2472. (a) The certificate to practice podiatric medicine authorizes the holder to practice podiatric medicine.

(b) As used in this chapter, "podiatric medicine" means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the ankle and tendons that insert into the foot and the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot.

(c) A doctor of podiatric medicine may not administer an anesthetic other than local. If an anesthetic other than local is required for any procedure, the anesthetic shall be administered by another licensed health care practitioner who is authorized to administer the required anesthetic within the scope of his or her practice.

(d) (1) A doctor of podiatric medicine ~~who is ankle certified by the board on and after January 1, 1984,~~ may do the following:

(A) Perform surgical treatment of the ankle and tendons at the level of the ankle pursuant to subdivision (e).

(B) Perform services under the direct supervision of a physician and surgeon, as an assistant at surgery, in surgical procedures that are otherwise beyond the scope of practice of a doctor of podiatric medicine.

(C) Perform a partial amputation of the foot no further proximal than the Chopart's joint.

(2) Nothing in this subdivision shall be construed to permit a doctor of podiatric medicine to function as a primary surgeon for any procedure beyond his or her scope of practice.

(e) A doctor of podiatric medicine may perform surgical treatment of the ankle and tendons at the level of the ankle only in the following locations:

(1) A licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code.

(2) A licensed surgical clinic, as defined in Section 1204 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1) and meets all the protocols of the surgical clinic.

(3) An ambulatory surgical center that is certified to participate in the Medicare Program under Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security Act, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1) and meets all the protocols of the surgical center.

(4) A freestanding physical plant housing outpatient services of a licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1). For purposes of this section, a "freestanding physical plant" means any building that is not physically attached to a building where inpatient services are provided.

(5) An outpatient setting accredited pursuant to subdivision (g) of Section 1248.1 of the Health and Safety Code.

~~(f) A doctor of podiatric medicine shall not perform an admitting history and physical examination of a patient in an acute care hospital where doing so would violate the regulations governing the Medicare program.~~

~~(g) A doctor of podiatric medicine licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of~~

~~Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.~~ [Duplicative--covered by Section 805(a)(2)itself]

2474. Any person who uses in any sign or in any advertisement or otherwise, the word or words "doctor of podiatric medicine," "doctor of podiatry," "podiatric doctor," "D.P.M.," "podiatrist," "foot specialist," or any other term or terms or any letters indicating or implying that he or she is a doctor of podiatric medicine, or that he or she practices podiatric medicine, or holds himself out as practicing podiatric medicine or foot correction as defined in Section 2472, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as provided for in this chapter, is guilty of a misdemeanor.

2475. Unless otherwise provided by law, no postgraduate trainee, intern, resident postdoctoral fellow, or instructor may engage in the practice of podiatric medicine, or receive compensation therefor, or offer to engage in the practice of podiatric medicine unless he or she holds a valid, unrevoked, and unsuspended certificate to practice podiatric medicine issued by the division. However, a graduate of an approved college or school of podiatric medicine upon whom the degree doctor of podiatric medicine has been conferred, who is issued a resident's license, which may be renewed annually ~~for up to four years~~ for this purpose by the division upon recommendation of the board, and who is enrolled in a postgraduate training program approved by the board, may engage in the practice of podiatric medicine whenever and wherever required as a part of that program and may receive compensation for that practice under the following conditions:

(a) A graduate with a resident's license in an approved internship, residency, or fellowship program may participate in training rotations outside the scope of podiatric medicine, under the supervision of a physician and surgeon who holds a medical doctor or doctor of osteopathy degree wherever and whenever required as a part of the training program, and may receive compensation for that practice. If the graduate fails to receive a license to practice podiatric medicine under this chapter within three years from the commencement of the postgraduate training, all privileges and exemptions under this section shall automatically cease.

(b) Hospitals functioning as a part of the teaching program of an approved college or school of podiatric medicine in this state may exchange instructors or resident or assistant resident doctors of podiatric medicine with another approved college or school of podiatric medicine not located in this state, or those hospitals may appoint a graduate of an approved school as such a resident for purposes of postgraduate training. Those instructors and residents may practice and be compensated as provided in this section, but that practice and compensation shall be for a period not to exceed two years.

2475.1. Before a resident's license may be issued, each applicant shall show by evidence satisfactory to the board, submitted directly to the board by the national score reporting institution, that he or she has, within the past 10 years, passed Parts I and II of the examination administered by the National Board of Podiatric Medical

Examiners of the United States or has passed a written examination that is recognized by the board to be the equivalent in content to the examination administered by the National Board of Podiatric Medical Examiners of the United States.

2475.2. As used in this article, "podiatric residency" means a program of supervised postgraduate clinical training, one year or more in duration, approved by the board.

2475.3. (a) The board shall approve podiatric residency programs, as defined in Section 2475.2, in the field of podiatric medicine, for persons who are applicants for or have been issued a certificate to practice podiatric medicine pursuant to this article.

(b) The board may only approve a podiatric residency that it determines meets all of the following requirements:

(1) Reasonably conforms with the Accreditation Council for Graduate Medical Education's Institutional Requirements of the Essentials of Accredited Residencies in Graduate Medical Education: Institutional and Program Requirements.

(2) Is approved by the Council on Podiatric Medical Education.

(3) Complies with the requirements of this state.

2476. Nothing in this chapter shall be construed to prevent a regularly matriculated student undertaking a course of professional instruction in an approved college or school of podiatric medicine from participating in training beyond the scope of podiatric medicine under the supervision of a physician and surgeon who holds a medical doctor or doctor of osteopathy degree whenever and wherever prescribed as part of his or her course of study.

2477. Nothing in this chapter prohibits the manufacture, the recommendation, or the sale of either corrective shoes or appliances for the human feet to enhance comfort and performance, or, following diagnosis and prescription by a licensed practitioner, in any case involving medical conditions.

2479. The division shall issue, upon the recommendation of the board, a certificate to practice podiatric medicine to each applicant who meets the requirements of this chapter. Every applicant for a certificate to practice podiatric medicine shall comply with the provisions of Article 4 (commencing with Section 2080) which are not specifically applicable to applicants for a physician's and surgeon's certificate, in addition to the provisions of this article.

2480. The board shall have full authority to investigate and to evaluate each applicant applying for a certificate to practice podiatric medicine and to make a determination of the admission of the applicant to the examination and the issuance of a certificate in accordance with the provisions and requirements of this chapter.

2481. Each applicant who commenced professional instruction in

podiatric medicine after September 1, 1959, shall show by an official transcript or other official evidence submitted directly to the board by the academic institution that he or she has completed two years of preprofessional postsecondary education, or its equivalent, including the subjects of chemistry, biology or other biological science, and physics or mathematics, before completing the resident course of professional instruction.

2483. (a) Each applicant for a certificate to practice podiatric medicine shall show by an official transcript or other official evidence satisfactory to the board that is submitted directly to the board by the academic institution that he or she has successfully completed a medical curriculum extending over a period of at least four academic years, or 32 months of actual instruction, in a college or school of podiatric medicine approved by the board. The total number of hours of all courses shall consist of a minimum of 4,000 hours.

The board, by regulation, shall adopt standards for determining equivalent training authorized by this section.

(b) The curriculum for all applicants shall provide for adequate instruction related to podiatric medicine in the following:

- Alcoholism and other chemical substance detection
- Local anesthesia
- Anatomy, including embryology, histology, and neuroanatomy
- Behavioral science
- Biochemistry
- Biomechanics-foot and ankle
- Child abuse detection
- Dermatology
- Geriatric medicine
- Human sexuality
- Infectious diseases
- Medical ethics
- Neurology
- Orthopedic surgery
- Pathology, microbiology, and immunology
- Pediatrics
- Pharmacology, including materia medica and toxicology
- Physical and laboratory diagnosis
- Physical medicine
- Physiology
- Podiatric medicine
- Podiatric surgery
- Preventive medicine, including nutrition
- Psychiatric problem detection
- Radiology and radiation safety
- Spousal or partner abuse detection
- Therapeutics
- Women's health

2484. In addition to any other requirements of this chapter, before a certificate to practice podiatric medicine may be issued, each applicant shall show by evidence satisfactory to the board, submitted directly to the board by the sponsoring institution, that he or she has satisfactorily completed at least two years of postgraduate podiatric medical and podiatric surgical training in a general acute care hospital approved by the Council ~~of~~ on Podiatric Medical Education.

2486. The Medical Board of California shall issue, upon the recommendation of the board, a certificate to practice podiatric medicine if the applicant has submitted directly to the board from the credentialing organizations verification that he or she meets all of the following requirements:

(a) The applicant has graduated from an approved school or college of podiatric medicine and meets the requirements of Section 2483.

(b) The applicant, within the past 10 years, has passed parts I, II, and III of the examination administered by the National Board of Podiatric Medical Examiners of the United States or has passed a written examination that is recognized by the board to be the equivalent in content to the examination administered by the National Board of Podiatric Medical Examiners of the United States.

(c) The applicant has satisfactorily completed the postgraduate training required by Section 2484.

(d) The applicant has passed within the past 10 years any oral and practical examination that may be required of all applicants by the board to ascertain clinical competence.

(e) The applicant has committed no acts or crimes constituting grounds for denial of a certificate under Division 1.5 (commencing with Section 475).

(f) The board determines that no disciplinary action has been taken against the applicant by any podiatric licensing authority and that the applicant has not been the subject of adverse judgments or settlements resulting from the practice of podiatric medicine that the board determines constitutes evidence of a pattern of negligence or incompetence.

(g) A disciplinary databank report regarding the applicant is received by the board from the Federation of Podiatric Medical Boards.

2488. Notwithstanding any other provision of law, the Medical Board of California shall issue, upon the recommendation of the board, a certificate to practice podiatric medicine by credentialing if the applicant has submitted directly to the board from the credentialing organizations verification that he or she is licensed as a doctor of podiatric medicine in any other state and meets all of the following requirements:

(a) The applicant has graduated from an approved school or college of podiatric medicine.

(b) The applicant, within the past 10 years, has passed either part III of the examination administered by the National Board of Podiatric Medical Examiners of the United States or a written examination that is recognized by the board to be the equivalent in content to the examination administered by the National Board of Podiatric Medical Examiners of the United States.

(c) The applicant has satisfactorily completed a postgraduate training program approved by the Council on Podiatric Medical Education.

(d) The applicant, within the past 10 years, has passed any oral and practical examination that may be required of all applicants by the board to ascertain clinical competence.

(e) The applicant has committed no acts or crimes constituting grounds for denial of a certificate under Division 1.5 (commencing with Section 475).

(f) The board determines that no disciplinary action has been taken against the applicant by any podiatric licensing authority and that the applicant has not been the subject of adverse judgments or

settlements resulting from the practice of podiatric medicine that the board determines constitutes evidence of a pattern of negligence or incompetence.

(g) A disciplinary databank report regarding the applicant is received by the board from the Federation of Podiatric Medical Boards.

2492. (a) The board shall examine every applicant for a certificate to practice podiatric medicine to ensure a minimum of entry-level competence at the time and place designated by the board in its discretion, but at least twice a year.

(b) Unless the applicant meets the requirements of Section 2486, applicants shall be required to have taken and passed the examination administered by the National Board of Podiatric Medical Examiners.

(c) The board may appoint qualified persons to give the whole or any portion of any examination as provided in this article, who shall be designated as examination commissioners. The board may fix the compensation of those persons subject to the provisions of applicable state laws and regulations.

(d) The provisions of Article 9 (commencing with Section 2170) shall apply to examinations administered by the board except where those provisions are in conflict with or inconsistent with the provisions of this article. In respect to applicants under this article any references to the "Division of Licensing" or "division" shall be deemed to apply to the board.

2493. (a) An applicant for a certificate to practice podiatric medicine shall pass an examination in the subjects required by Section 2483 in order to ensure a minimum of entry-level competence.

~~(b) The board shall require a passing score on the National Board of Podiatric Medical Examiners Part III examination that is consistent with the postgraduate training requirement in Section 2484. The board, as of July 1, 2005, shall require a passing score one standard error of measurement higher than the national passing score until such time as the National Board of Podiatric Medical Examiners recommends a higher passing score consistent with Section 2484. In consultation with the Office of Professional Examination Services of the Department of Consumer Affairs, the board shall ensure that the part III examination adequately evaluates the full scope of practice established by Section 2472, including amputation and other foot and ankle surgical procedures, pursuant to Section 139.~~

2495. Notwithstanding any other provision of this chapter, the board may delegate to officials of the board the authority to approve the admission of applicants to the examination and to approve the issuance of certificates to practice podiatric medicine to applicants who have met the specific requirements therefor in routine cases where applicants clearly meet the requirements of this chapter.

2496. In order to ensure the continuing competence of persons licensed to practice podiatric medicine, the board shall adopt and administer regulations ~~in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code)~~

requiring continuing education of those licensees. The board shall require those licensees to demonstrate satisfaction of the continuing education requirements and one of the following requirements at each license renewal:

(a) Passage of an examination administered by the board within the past 10 years.

(b) Passage of an examination administered by an approved specialty certifying board within the past 10 years.

(c) Current diplomate, board-eligible, or board-qualified status granted by an approved specialty certifying board within the past 10 years.

(d) Recertification of current status by an approved specialty certifying board within the past 10 years.

(e) Successful completion of an approved residency or fellowship program within the past 10 years.

(f) Granting or renewal of current staff privileges within the past five years by a health care facility that is licensed, certified, accredited, conducted, maintained, operated, or otherwise approved by an agency of the federal or state government or an organization approved by the Medical Board of California.

(g) Successful completion within the past five years of an extended course of study approved by the board.

(h) Passage within the past 10 years of Part III of the examination administered by the National Board of Podiatric Medical Examiners.

2497. (a) The board may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 2222.

(b) The board may hear all matters, including but not limited to, any contested case or may assign any such matters to an administrative law judge. The proceedings shall be held in accordance with Section 2230. If a contested case is heard by the board itself, the administrative law judge who presided at the hearing shall be present during the board's consideration of the case and shall assist and advise the board.

2497.5. (a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not ~~in any event~~ be increased by the board unless the board does not adopt a proposed decision and in making its own decision finds grounds for increasing the costs to be assessed, not to exceed the actual and reasonable costs of the investigation and prosecution of the case. ~~When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.~~

(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment by bringing an action in any appropriate court. This

right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Board of Podiatric Medicine Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

2498. (a) The board shall have the responsibility for reviewing the quality of podiatric medical practice carried out by persons licensed to practice podiatric medicine.

(b) Each member of the board, or any licensed doctor of podiatric medicine appointed by the board, shall additionally have the authority to inspect, or require reports from, a general or specialized hospital and the podiatric medical staff thereof, with respect to the podiatric medical care, services, or facilities provided therein, and may inspect podiatric medical patient records with respect to the care, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the board to any person other than a doctor of podiatric medicine and shall be subject to the restrictions against disclosure described in Section 2263.

2499. There is in the State Treasury the Board of Podiatric Medicine Fund. Notwithstanding Section 2445, the division shall report to the Controller at the beginning of each calendar month for the month preceding the amount and source of all revenue received by it on behalf of the board, pursuant to this chapter, and shall pay the entire amount thereof to the Treasurer for deposit into the fund. All revenue received by the board and the division from fees authorized to be charged relating to the practice of podiatric medicine shall be deposited in the fund as provided in this section, and shall be used to carry out the provisions of this chapter relating to the regulation of the practice of podiatric medicine.

2499.5. The following fees apply to certificates to practice podiatric medicine. The amount of fees prescribed for doctors of podiatric medicine shall be those set forth in this section unless a lower fee is established by the board in accordance with Section 2499.6. Fees collected pursuant to this section shall be fixed by the board in amounts not to exceed the actual costs of providing the service for which the fee is collected.

(a) Each applicant for a certificate to practice podiatric medicine shall pay an application fee of ~~twenty one hundred dollars~~ ~~(\$20)~~ (\$100) at the time the application is filed. If the applicant qualifies for a

certificate, he or she shall pay a fee which shall be fixed by the board at an amount not to exceed one hundred dollars (\$100) nor less than five dollars (\$5) for the issuance of the certificate.

(b) The oral examination fee shall be seven hundred dollars (\$700), or the actual cost, whichever is lower, and shall be paid by each applicant. If the applicant's credentials are insufficient or if the applicant does not desire to take the examination, and has so notified the board 30 days prior to the examination date, only the examination fee is returnable to the applicant. The board may charge an examination fee for any subsequent reexamination of the applicant.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required by this section, shall pay an initial license fee. The initial license fee shall be eight hundred dollars (\$800). The initial license shall expire the second year after its issuance on the last day of the month of birth of the licensee. ~~The board may reduce the initial license fee by up to 50 percent of the amount of the fee for any applicant who is enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within six months prior to the payment of the initial license fee.~~

(d) The biennial renewal fee shall be nine hundred dollars (\$900). ~~Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.~~ The board may waive this fee for a doctor of podiatric medicine residing in California who certifies to the board that license renewal is for the sole purpose of providing voluntary, unpaid service.

(e) The delinquency fee is one hundred fifty dollars (\$150).

(f) The duplicate wall certificate fee is ~~forty one hundred~~ dollars ~~(\$40)~~ \$100.

(g) The fee for a duplicate renewal receipt fee or pocket license is ~~forty fifty~~ dollars ~~(\$40)~~ (\$50).

(h) The endorsement, certification, verification, or letter of good standing fee is ~~thirty one hundred~~ dollars ~~(\$30)~~ (\$100).

(i) The letter of good standing fee or for loan deferment is ~~thirty one hundred~~ dollars ~~(\$30)~~ (\$100).

(j) There shall be a fee of ~~sixty one hundred~~ dollars ~~(\$60)~~ (\$100) for the issuance and renewal of a resident's license under Section 2475.

~~(k) The application fee for ankle certification under Section 2472 for persons licensed prior to January 1, 1984, shall be fifty dollars (\$50). The examination and reexamination fee for this certification shall be seven hundred dollars (\$700).~~

(l) The filing fee to appeal the failure of an oral examination shall be ~~twenty-five one hundred~~ dollars ~~(\$25)~~ (\$100).

(m) The fee for approval of a continuing education course or program shall be ~~one two hundred fifty~~ dollars ~~(\$100)~~ (\$250).

2499.6. The fees in this article shall be fixed by the board in accordance with Section 313.1.

2499.8. Any licensee who demonstrates to the satisfaction of the board that he or she is unable to practice podiatric medicine due to a disability may request a waiver of the license renewal fee. The granting of a waiver shall be at the discretion of the board and may be terminated at any time. Waivers shall be based on the inability of a licensee to practice podiatric medicine. A licensee whose renewal

fee has been waived pursuant to this section shall not engage in the practice of podiatric medicine unless and until the licensee pays the current renewal fee and does either of the following:

(a) Establishes to the satisfaction of the board, on a form prescribed by the board and signed under penalty of perjury, that the licensee's disability either no longer exists or does not affect his or her ability to practice podiatric medicine safely.

(b) Signs an agreement on a form prescribed by the board, signed under penalty of perjury, in which the licensee agrees to limit his or her practice in the manner prescribed by the reviewing physician.

Exhibit

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AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN SENATE APRIL 17, 2012

SENATE BILL

No. 1236

Introduced by Senator Price

February 23, 2012

An act to amend Sections 800, 801.01, 802.1, 802.5, 803, 803.1, 803.5, 803.6, 805, 2335, 2460, 2465, 2470, 2472, 2475, 2477, 2484, 2493, 2496, 2497.5, 3501, 3502, 3502.1, 3502.3, 3502.5, 3504, 3504.1, 3505, 3506, 3507, 3508, 3509, 3509.5, 3510, 3511, 3512, 3513, 3514.1, 3516, 3516.5, 3517, 3518, 3519, 3519.5, 3520, 3521, 3521.1, 3521.2, 3521.5, 3522, 3523, 3524, 3524.5, 3526, 3527, 3529, 3530, 3531, 3533, 3534, 3534.1, 3534.2, 3534.3, 3534.4, 3534.5, 3534.6, 3534.7, 3534.9, 3534.10, 3535, 3537.10, 3537.20, 3537.30, 3537.50, 3540, 3546 of, and to add ~~Sections~~ *Section* 3521.3 ~~and 3521.4~~ to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1236, as amended, Price. Healing arts boards.

(1) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California. Under existing law, the California Board of Podiatric Medicine will be repealed on January 1, 2013. Existing law requires that boards scheduled for repeal be reviewed by the Joint Sunset Review Committee of the Legislature.

This bill would extend the operation of the California Board of Podiatric Medicine until January 1, 2017. The bill would specify that the board is subject to review by the appropriate policy committees of the Legislature. The bill would revise provisions regarding the examination of applicants for certification to practice podiatric medicine.

(2) Existing law establishes the Physician Assistant Committee within the jurisdiction of the Medical Board of California and provides for its membership, operation, duties, and powers with respect to licensure and regulation of physician assistants, including requirements for the payment of license renewal fees. Under existing law, the committee will be repealed on January 1, 2013.

This bill would rename the committee as the Physician Assistant Board, make various conforming changes relative to this change in designation, and extend the operation of the board until January 1, 2017. The bill would revise the composition of the board and would specify exemptions to the requirements for the payment of license renewal fees. ~~The bill would specify~~ that the board is subject to review by the appropriate policy committees of the Legislature. *The bill would allow the board to establish, by regulation, a system for placement of a licensee on retired status, as specified.*

(3) Existing law specifies reports to be made and procedures to be followed when a coroner receives information, as specified, that a death may be the result of a physician and surgeon's, or podiatrist's gross negligence or incompetence, and in connection with disciplinary actions against those licensees.

This bill would expand those provisions to include conduct of a physician assistant.

(4) Existing law requires a physician and surgeon, osteopathic physician and surgeon, and a doctor of podiatric medicine to report to his or her licensing board the occurrence of an indictment or information charging a felony against the licensee or the conviction of the licensee of a felony or misdemeanor. Under existing law the failure of those licensees to submit the required report is a crime.

This bill would impose that requirement on a physician assistant. Because a violation of this requirement by a physician assistant would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

1 (m) A health care service plan licensed under Chapter 2.2
2 (commencing with Section 1340) of Division 2 of the Health and
3 Safety Code or a disability insurer that negotiates and enters into
4 a contract with licentiates to provide services at alternative rates
5 of payment pursuant to Section 10133 of the Insurance Code, when
6 determining participation with the plan or insurer, shall evaluate,
7 on a case-by-case basis, licentiates who are the subject of an 805
8 report, and not automatically exclude or deselect these licentiates.

9 SEC. 10. Section 2335 of the Business and Professions Code
10 is amended to read:

11 2335. (a) All proposed decisions and interim orders of the
12 Medical Quality Hearing Panel designated in Section 11371 of the
13 Government Code shall be transmitted to the executive director
14 of the board, or the executive director of the California Board of
15 Podiatric Medicine as to the licensees of that board, within 48
16 hours of filing.

17 (b) All interim orders shall be final when filed.

18 (c) A proposed decision shall be acted upon by the board or by
19 any panel appointed pursuant to Section 2008 or by the California
20 Board of Podiatric Medicine, as the case may be, in accordance
21 with Section 11517 of the Government Code, except that all of the
22 following shall apply to proceedings against licensees under this
23 chapter:

24 (1) When considering a proposed decision, the board or panel
25 and the California Board of Podiatric Medicine shall give great
26 weight to the findings of fact of the administrative law judge,
27 except to the extent those findings of fact are controverted by new
28 evidence.

29 (2) The board's staff or the staff of the California Board of
30 Podiatric Medicine shall poll the members of the board or panel
31 or of the California Board of Podiatric Medicine by written mail
32 ballot concerning the proposed decision. The mail ballot shall be
33 sent within 10 calendar days of receipt of the proposed decision,
34 and shall poll each member on whether the member votes to
35 approve the decision, to approve the decision with an altered
36 penalty, to refer the case back to the administrative law judge for
37 the taking of additional evidence, to defer final decision pending
38 discussion of the case by the panel or board as a whole, or to
39 nonadopt the decision. No party to the proceeding, including
40 employees of the agency that filed the accusation, and no person

1 who has a direct or indirect interest in the outcome of the
2 proceeding or who presided at a previous stage of the decision,
3 may communicate directly or indirectly, upon the merits of a
4 contested matter while the proceeding is pending, with any member
5 of the panel or board, without notice and opportunity for all parties
6 to participate in the communication. The votes of a majority of the
7 board or of the panel, and a majority of the California Board of
8 Podiatric Medicine, are required to approve the decision with an
9 altered penalty, to refer the case back to the administrative law
10 judge for the taking of further evidence, or to nonadopt the
11 decision. The votes of two members of the panel or board are
12 required to defer final decision pending discussion of the case by
13 the panel or board as a whole; except that, in the case of the
14 California Board of Podiatric Medicine, the vote of only one
15 member of that board is required to defer final decision pending
16 discussion of the case by the board as a whole. If there is a vote
17 by the specified number to defer final decision pending discussion
18 of the case by the panel or board as a whole, provision shall be
19 made for that discussion before the 100-day period specified in
20 paragraph (3) expires, but in no event shall that 100-day period be
21 extended.

22 (3) If a majority of the board or of the panel, or a majority of
23 the California Board of Podiatric Medicine vote to do so, the board
24 or the panel or the California Board of Podiatric Medicine shall
25 issue an order of nonadoption of a proposed decision within 100
26 calendar days of the date it is received by the board. If the board
27 or the panel or the California Board of Podiatric Medicine does
28 not refer the case back to the administrative law judge for the
29 taking of additional evidence or issue an order of nonadoption
30 within 100 calendar days, the decision shall be final and subject
31 to review under Section 2337. Members of the board or of any
32 panel or of the California Board of Podiatric Medicine who review
33 a proposed decision or other matter and vote by mail as provided
34 in paragraph (2) shall return their votes by mail to the board within
35 30 days from receipt of the proposed decision or other matter.

36 (4) The board or the panel or the California Board of Podiatric
37 Medicine shall afford the parties the opportunity to present oral
38 argument before deciding a case after nonadoption of the
39 administrative law judge's decision.

1 (5) A vote of a majority of the board or of a panel, or a majority
2 of the California Board of Podiatric Medicine, are required to
3 increase the penalty from that contained in the proposed
4 administrative law judge's decision. No member of the board or
5 panel or of the California Board of Podiatric Medicine may vote
6 to increase the penalty except after reading the entire record and
7 personally hearing any additional oral argument and evidence
8 presented to the panel or board.

9 SEC. 11. Section 2460 of the Business and Professions Code
10 is amended to read:

11 2460. (a) There is created within the jurisdiction of the Medical
12 Board of California the California Board of Podiatric Medicine.

13 (b) This section shall remain in effect only until January 1, 2017,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2017, deletes or extends that date.
16 Notwithstanding any other provision of law, the repeal of this
17 section renders the California Board of Podiatric Medicine subject
18 to review by the appropriate policy committees of the Legislature.

19 SEC. 12. Section 2465 of the Business and Professions Code
20 is amended to read:

21 2465. No person who directly or indirectly owns any interest
22 in any college, school, or other institution engaged in podiatric
23 medical instruction shall be appointed to the board nor shall any
24 incumbent member of the board have or acquire any interest, direct
25 or indirect, in any such college, school, or institution.

26 SEC. 13. Section 2470 of the Business and Professions Code
27 is amended to read:

28 2470. The board may adopt, amend, or repeal, in accordance
29 with the provisions of the Administrative Procedure Act (Chapter
30 3.5 (commencing with Section ~~11340~~ 11340) of Part 1 of Division
31 1 of Title 2 of the Government ~~Code Code~~), regulations necessary
32 to enable the board to carry into effect the provisions of law relating
33 to the practice of podiatric medicine.

34 SEC. 14. Section 2472 of the Business and Professions Code
35 is amended to read:

36 2472. (a) The certificate to practice podiatric medicine
37 authorizes the holder to practice podiatric medicine.

38 (b) As used in this chapter, "podiatric medicine" means the
39 diagnosis, medical, surgical, mechanical, manipulative, and
40 electrical treatment of the human foot, including the ankle and

1 tendons that insert into the foot and the nonsurgical treatment of
2 the muscles and tendons of the leg governing the functions of the
3 foot.

4 (c) A doctor of podiatric medicine may not administer an
5 anesthetic other than local. If an anesthetic other than local is
6 required for any procedure, the anesthetic shall be administered
7 by another licensed health care practitioner who is authorized to
8 administer the required anesthetic within the scope of his or her
9 practice.

10 (d) (1) A doctor of podiatric medicine *who is ankle certified*
11 *by the board on and after January 1, 1984*, may do the following:

12 (A) Perform surgical treatment of the ankle and tendons at the
13 level of the ankle pursuant to subdivision (e).

14 (B) Perform services under the direct supervision of a physician
15 and surgeon, as an assistant at surgery, in surgical procedures that
16 are otherwise beyond the scope of practice of a doctor of podiatric
17 medicine.

18 (C) Perform a partial amputation of the foot no further proximal
19 than the Chopart's joint.

20 (2) Nothing in this subdivision shall be construed to permit a
21 doctor of podiatric medicine to function as a primary surgeon for
22 any procedure beyond his or her scope of practice.

23 (e) A doctor of podiatric medicine may perform surgical
24 treatment of the ankle and tendons at the level of the ankle only
25 in the following locations:

26 (1) A licensed general acute care hospital, as defined in Section
27 1250 of the Health and Safety Code.

28 (2) A licensed surgical clinic, as defined in Section 1204 of the
29 Health and Safety Code, if the doctor of podiatric medicine has
30 surgical privileges, including the privilege to perform surgery on
31 the ankle, in a general acute care hospital described in paragraph
32 (1) and meets all the protocols of the surgical clinic.

33 (3) An ambulatory surgical center that is certified to participate
34 in the Medicare Program under Title XVIII (42 U.S.C. Sec. 1395
35 et seq.) of the federal Social Security Act, if the doctor of podiatric
36 medicine has surgical privileges, including the privilege to perform
37 surgery on the ankle, in a general acute care hospital described in
38 paragraph (1) and meets all the protocols of the surgical center.

39 (4) A freestanding physical plant housing outpatient services
40 of a licensed general acute care hospital, as defined in Section

1 1250 of the Health and Safety Code, if the doctor of podiatric
2 medicine has surgical privileges, including the privilege to perform
3 surgery on the ankle, in a general acute care hospital described in
4 paragraph (1). For purposes of this section, a “freestanding physical
5 plant” means any building that is not physically attached to a
6 building where inpatient services are provided.

7 (5) An outpatient setting accredited pursuant to subdivision (g)
8 of Section 1248.1 of the Health and Safety Code.

9 SEC. 15. Section 2475 of the Business and Professions Code
10 is amended to read:

11 2475. Unless otherwise provided by law, no postgraduate
12 trainee, intern, resident postdoctoral fellow, or instructor may
13 engage in the practice of podiatric medicine, or receive
14 compensation therefor, or offer to engage in the practice of
15 podiatric medicine unless he or she holds a valid, unrevoked, and
16 unsuspended certificate to practice podiatric medicine issued by
17 the division. However, a graduate of an approved college or school
18 of podiatric medicine upon whom the degree doctor of podiatric
19 medicine has been conferred, who is issued a resident’s license,
20 which may be renewed annually for this purpose by the division
21 upon recommendation of the board, and who is enrolled in a
22 postgraduate training program approved by the board, may engage
23 in the practice of podiatric medicine whenever and wherever
24 required as a part of that program and may receive compensation
25 for that practice under the following conditions:

26 (a) A graduate with a resident’s license in an approved
27 internship, residency, or fellowship program may participate in
28 training rotations outside the scope of podiatric medicine, under
29 the supervision of a physician and surgeon who holds a medical
30 doctor or doctor of osteopathy degree wherever and whenever
31 required as a part of the training program, and may receive
32 compensation for that practice. If the graduate fails to receive a
33 license to practice podiatric medicine under this chapter within
34 three years from the commencement of the postgraduate training,
35 all privileges and exemptions under this section shall automatically
36 cease.

37 (b) Hospitals functioning as a part of the teaching program of
38 an approved college or school of podiatric medicine in this state
39 may exchange instructors or resident or assistant resident doctors
40 of podiatric medicine with another approved college or school of

1 podiatric medicine not located in this state, or those hospitals may
2 appoint a graduate of an approved school as such a resident for
3 purposes of postgraduate training. Those instructors and residents
4 may practice and be compensated as provided in this section, but
5 that practice and compensation shall be for a period not to exceed
6 two years.

7 SEC. 16. Section 2477 of the Business and Professions Code
8 is amended to read:

9 2477. Nothing in this chapter prohibits the manufacture, the
10 recommendation, or the sale of either corrective shoes or appliances
11 for the human feet to enhance comfort and performance, or,
12 following diagnosis and prescription by a licensed practitioner in
13 any case involving medical conditions.

14 SEC. 17. Section 2484 of the Business and Professions Code
15 is amended to read:

16 2484. In addition to any other requirements of this chapter,
17 before a certificate to practice podiatric medicine may be issued,
18 each applicant shall show by evidence satisfactory to the board,
19 submitted directly to the board by the sponsoring institution, that
20 he or she has satisfactorily completed at least two years of
21 postgraduate podiatric medical and podiatric surgical training in
22 a general acute care hospital approved by the Council on Podiatric
23 Medical Education.

24 SEC. 18. Section 2493 of the Business and Professions Code
25 is amended to read:

26 2493. An applicant for a certificate to practice podiatric
27 medicine shall pass an examination in the subjects required by
28 Section 2483 in order to ensure a minimum of entry-level
29 competence.

30 SEC. 19. Section 2496 of the Business and Professions Code
31 is amended to read:

32 2496. In order to ensure the continuing competence of persons
33 licensed to practice podiatric medicine, the board shall adopt and
34 administer regulations requiring continuing education of those
35 licensees. The board shall require those licensees to demonstrate
36 satisfaction of the continuing education requirements and one of
37 the following requirements at each license renewal:

38 (a) Passage of an examination administered by the board within
39 the past 10 years.

1 (b) Passage of an examination administered by an approved
2 specialty certifying board within the past 10 years.

3 (c) Current diplomate, board-eligible, or board-qualified status
4 granted by an approved specialty certifying board within the past
5 10 years.

6 (d) Recertification of current status by an approved specialty
7 certifying board within the past 10 years.

8 (e) Successful completion of an approved residency or
9 fellowship program within the past 10 years.

10 (f) Granting or renewal of current staff privileges within the
11 past five years by a health care facility that is licensed, certified,
12 accredited, conducted, maintained, operated, or otherwise approved
13 by an agency of the federal or state government or an organization
14 approved by the Medical Board of California.

15 (g) Successful completion within the past five years of an
16 extended course of study approved by the board.

17 (h) Passage within the past 10 years of Part III of the
18 examination administered by the National Board of Podiatric
19 Medical Examiners.

20 SEC. 20. Section 2497.5 of the Business and Professions Code
21 is amended to read:

22 2497.5. (a) The board may request the administrative law
23 judge, under his or her proposed decision in resolution of a
24 disciplinary proceeding before the board, to direct any licensee
25 found guilty of unprofessional conduct to pay to the board a sum
26 not to exceed the actual and reasonable costs of the investigation
27 and prosecution of the case.

28 (b) The costs to be assessed shall be fixed by the administrative
29 law judge and shall not be increased by the board unless the board
30 does not adopt a proposed decision and in making its own decision
31 finds grounds for increasing the costs to be assessed, not to exceed
32 the actual and reasonable costs of the investigation and prosecution
33 of the case.

34 (c) When the payment directed in the board's order for payment
35 of costs is not made by the licensee, the board may enforce the
36 order for payment by bringing an action in any appropriate court.
37 This right of enforcement shall be in addition to any other rights
38 the board may have as to any licensee directed to pay costs.

1 (d) In any judicial action for the recovery of costs, proof of the
2 board's decision shall be conclusive proof of the validity of the
3 order of payment and the terms for payment.

4 (e) (1) Except as provided in paragraph (2), the board shall not
5 renew or reinstate the license of any licensee who has failed to pay
6 all of the costs ordered under this section.

7 (2) Notwithstanding paragraph (1), the board may, in its
8 discretion, conditionally renew or reinstate for a maximum of one
9 year the license of any licensee who demonstrates financial
10 hardship and who enters into a formal agreement with the board
11 to reimburse the board within that one year period for those unpaid
12 costs.

13 (f) All costs recovered under this section shall be deposited in
14 the Board of Podiatric Medicine Fund as a reimbursement in either
15 the fiscal year in which the costs are actually recovered or the
16 previous fiscal year, as the board may direct.

17 SEC. 21. Section 3501 of the Business and Professions Code
18 is amended to read:

19 3501. (a) As used in this chapter:

20 (1) "Board" means the Physician Assistant Board.

21 (2) "Approved program" means a program for the education of
22 physician assistants that has been formally approved by the
23 ~~committee~~ *board*.

24 (3) "Trainee" means a person who is currently enrolled in an
25 approved program.

26 (4) "Physician assistant" means a person who meets the
27 requirements of this chapter and is licensed by the ~~committee~~
28 *board*.

29 (5) "Supervising physician" means a physician and surgeon
30 licensed by the Medical Board of California or by the Osteopathic
31 Medical Board of California who supervises one or more physician
32 assistants, who possesses a current valid license to practice
33 medicine, and who is not currently on disciplinary probation for
34 improper use of a physician assistant.

35 (6) "Supervision" means that a licensed physician and surgeon
36 oversees the activities of, and accepts responsibility for, the medical
37 services rendered by a physician assistant.

38 (7) "Regulations" means the rules and regulations as set forth
39 in Chapter 13.8 (commencing with Section 1399.500) of Title 16
40 of the California Code of Regulations.