



**LEGISLATIVE COMMITTEE**  
**FEBRUARY 18, 2015**

**SUBJECT: LEGISLATIVE PROGRAM REPORT**

**ACTION: RECEIVE AND FILE**

**LG-1**

**RECOMMENDATION**

Receive the status update report regarding Legislative Matters

**ISSUE**

This report summarizes key activities pertaining to recent legislative activities that may impact health boards including the Board of Podiatric Medicine ("BPM"). This report provides the Legislative Committee with information regarding legislative and regulatory matters as well as updates on related activities of the BPM.

**DISCUSSION**

**1. ADMINISTRATIVE SUMMARY**

Given that BPM's standing Committees have not separately met in actual fact since late 2004, the February 18, 2015, meeting of the Legislative Committee ostensibly serves as it's inaugural meeting after a hiatus of some years.

We are pleased to welcome Kristina Dixon, President of the Board of Podiatric Medicine to the Legislative Committee. We continue to thank Eddie Barnes and Dr. Michael A. Zapf for their service on this Committee.

The assigned committee executive staff liaison for the Legislative Committee is Administrative Analyst, Kathleen Cooper, JD, who will be assisted by Executive Officer Jason S. Campbell, JD.

**2. 2014 LEGISLATION HEALTH BOARD IMPACT UPDATE**

In order to assist the Legislative Committee with a broad understanding of legislation and regulatory matters that impact BPM, summaries of legislation passed in 2014 are included for committee review that may need to be addressed by the Board in order to adopt general policy guidance.

**A. AB 809 (Logue, Chapter 404) – Patient Consent for Telehealth Services**

This bill revises the patient consent provisions related to the use of telehealth services by health care providers. The bill allows written consent in addition to verbal consent and specifies that either is valid for a designated course of health care and treatment. This bill took effect September 18, 2014

This bill impacts healing arts programs ONLY. BPM may wish to provide outreach to its licensees regarding the changes and how this legislation may alter the regulation of telehealth.

**B. AB 1702 (Maienshein, Chapter 410) – Denying or Delaying Licensure Due to Incarceration**

This bill prohibits programs within the Department of Consumer Affairs from denying a license or delaying the processing of licenses based solely on any licensure requirements having been completed during an applicant's incarceration.

BPM staff conducted a review of its licensing procedures to ensure that the processing of applications is not delayed due solely to licensure requirements being fulfilled during a period of incarceration. Additionally, program regulations were reviewed to identify any conflicting rules that may need to be revised.

No regulations were identified as conflicting with the statutory mandate and there are no applicants pending before the Board that are incarcerated. Staff is cognizant of the new statutory provisions and will ensure that they are appropriately followed.

**C. AB 1711 (Cooley, Chapter 779) – Administrative Procedures Act: Economic Impact Assessment**

This bill requires state agencies to include an economic impact assessment in its published initial statement of reasons for all proposed regulations during the regulatory process. The bill also requires the Department of Finance to provide and periodically update, instructions on how to prepare the economic impact assessment, which will be placed in the State Administrative Manual.

BPM's regulatory process already incorporates these requirements. Therefore, there should be no additional implementation impact from this bill.

**D. AB 2396 (Bonta, Chapter 737) – Denial of Licensure Based on Expunged Convictions**

This bill prohibits a licensing authority under the Department of Consumer Affairs from denying a license based solely on a prior conviction if the conviction has been dismissed pursuant to Penal Code expungement procedures.

BPM's Legal Counsel has provided guidance to the licensing program regarding implementation of this legislation. Staff is currently reviewing and revising BPM

conviction questions and instructions on the program's Application for initial licensure. Staff anticipates that revisions implementing the requirements enacted by AB2396 to be updated, reflected on our application and posted on the website by the end of February 2015.

**E. AB 2720 (Ting, Chapter 510) – Record of Action Taken at Public Meeting**

This bill amends the Bagley-Keene Open Meeting Act to require all state bodies, including all licensing programs within the Department of Consumer Affairs, to keep a record of, and publicly report every vote and abstention of each voting member on every action taken by a board, committee, or commission.

BPM has been at the forefront of implementation efforts and incorporated the reporting requirements in November 2014 in anticipation of statutory requirements. BPM staff has already revised their procedures for taking votes, recording them, and memorializing them in meeting minutes to ensure transparency. No additional compliance measures are foreseen necessary.

**F. SB 1159 (Lara, Chapter 752) – Use of ITINs on Licensure Applications**

This bill requires all programs within the Department of Consumer Affairs to accept an individual taxpayer identification number (ITIN) from applicants in lieu of a social security number (SSN). The legislation explicitly directs licensing programs to issue licenses to individuals qualified for licensure in spite of unlawful presence in the United States. All programs must implement the bill's requirements no later than January 1, 2016.

The Department's Office of Information Services (OIS) is working on incorporating the necessary changes into BreEZe and legacy systems to ensure that full implementation of this bill takes place no later than January 1, 2016. DCA will continue to provide guidance on implementation efforts. BPM has been instructed to not begin accepting ITINs from applicants until this additional guidance is given.

BPM staff is working with DCA's OIS team to implement these changes. These changes will be not be available in BreEZe until at least mid-March. There will be minor changes affecting our BreEZe system for the Versa Online (VO) component, the online portal for applicants, directing applicants that they may input an ITIN if they do not have a SSN. Currently, BPM is not accepting online applications so there is no impact at this time. There will be no changes to the Versa Regulation (VR), the back office BreEZe component. BPM will be making minor changes on our initial licensing application to include information allowing for collection of an ITIN or a SSN for individuals. BPM will also be providing the necessary outreach to interested parties via emails to program stakeholders and an update on our website once BPM begins to accept ITINs.

### **3. LEGISLATIVE OUTREACH UPDATE**

Members of the BPM may benefit by experiencing the legislative process directly. In order to help develop an understanding of the current legislative process, specifically as it relates to the duties and obligations of BPM Board Members related to policy decisions, staff has begun the process of investigating opportunities to deepen an understanding of the policymaking process and how it may be shaped for interested Board Members. The initial efforts have shown the following:

- A. There are 14 members of the Assembly that currently serve as Committee Members of the Business & Professions Committee. (Attachment A)
- B. There are 8 members of the Senate Standing Committee on Business, Professions and Economic Development Website. (Attachment B)
- C. It may be most efficient to begin looking at scheduled Board Meetings in June and September of 2015 as possible opportunities for Board Members to meet with members of the above named committees.
- D. By contacting the Committee Members through their internal schedulers and attempting to calendar short visits with the members of the B & P Committees of both the Assembly and the Senate we may be able to further the goals of BPM in enhancing the position of BPM and its relationship with legislators.
- E. Once the Board has addressed this issue at the BPM March 6<sup>th</sup> Board Meeting, staff will be able to further the efforts of the BPM in building relationships with legislators.

### **4. QUARTERLY TIMELINE**

Provided for Committee planning purposes and review is a 3-month timeline to enhance committee situational awareness for pertinent dates and approaching deadlines.

#### **ATTACHMENTS**

A: Roster—Members of the Assembly Business & Professions Committee

B: Roster—Members of the Senate Business, Professions & Economic Development Committee

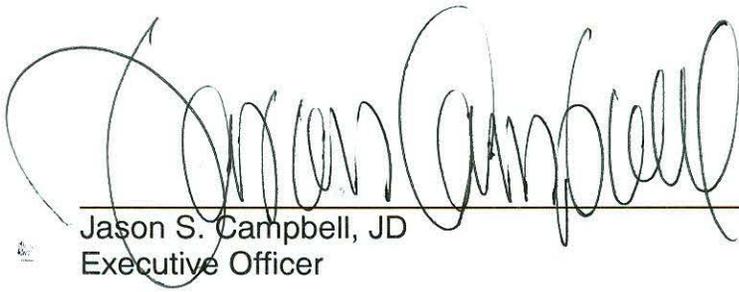
C: BPM – Quarterly Timeline

Prepared by: Kathleen Cooper, JD



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Kathleen Cooper, JD  
Administrative Analyst



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Jason S. Campbell, JD  
Executive Officer

# Members of the Business & Professions Committee of the Assembly

(Attachment A)

Committee Members	District	Office & Contact Information
<a href="#">Susan Bonilla (Chair)</a>	Dem - 14	<a href="#">Contact Assembly Member Susan A. Bonilla</a> <b>Capitol Office</b> P.O. Box 942849, Room 4140, Sacramento, CA 94249-0014; (916) 319-2014
<a href="#">Brian W. Jones (Vice Chair)</a>	Rep - 71	<a href="#">Contact Assembly Member Brian W. Jones</a> <b>Capitol Office</b> P.O. Box 942849, Room 3141, Sacramento, CA 94249-0071; (916) 319-2071
<a href="#">Catharine B. Baker</a>	Rep - 16	<a href="#">Contact Assembly Member Catharine B. Baker</a> <b>Capitol Office</b> P.O. Box 942849, Room 4153, Sacramento, CA 94249-0016; (916) 319-2016
<a href="#">Richard Bloom</a>	Dem - 50	<a href="#">Contact Assembly Member Richard Bloom</a> <b>Capitol Office</b> P.O. Box 942849, Room 2003, Sacramento, CA 94249-0050; (916) 319-2050
<a href="#">Nora Campos</a>	Dem - 27	<a href="#">Contact Assembly Member Nora Campos</a> <b>Capitol Office</b> P.O. Box 942849, Room 4016, Sacramento, CA 94249-0027; (916) 319-2027
<a href="#">Ling Ling Chang</a>	Rep - 55	<a href="#">Contact Assembly Member Ling Ling Chang</a> <b>Capitol Office</b> P.O. Box 942849, Room 3149, Sacramento, CA 94249-0055; (916) 319-2055
<a href="#">Bill Dodd</a>	Dem - 4	<a href="#">Contact Assembly Member Bill Dodd</a> <b>Capitol Office</b> P.O. Box 942849, Room 2137, Sacramento, CA 94249-0004; (916) 319-2004
<a href="#">Susan Talamantes Eggman</a>	Dem - 13	<a href="#">Contact Assembly Member Susan Talamantes Eggman</a> <b>Capitol Office</b> P.O. Box 942849, Room 3173, Sacramento, CA 94249-0013; (916) 319-2013
<a href="#">Mike Gatto</a>	Dem - 43	<a href="#">Contact Assembly Member Mike Gatto</a> <b>Capitol Office</b> P.O. Box 942849, Room 3152, Sacramento, CA 94249-0043; (916) 319-2043
<a href="#">Chris R. Holden</a>	Dem - 41	<a href="#">Contact Assembly Member Chris R. Holden</a> <b>Capitol Office</b> P.O. Box 942849, Room 319, Sacramento, CA 94249-0041; (916) 319-2041

**Committee Members****District****Office & Contact Information**[Kevin Mullin](#)

Dem - 22

[Contact Assembly Member Kevin Mullin](#)**Capitol Office**

P.O. Box 942849, Room 3160, Sacramento, CA 94249-0022; (916) 319-2022

[Philip Y. Ting](#)

Dem - 19

[Contact Assembly Member Philip Y. Ting](#)**Capitol Office**

P.O. Box 942849, Room 3123, Sacramento, CA 94249-0019; (916) 319-2019

[Scott Wilk](#)

Rep - 38

[Contact Assembly Member Scott Wilk](#)**Capitol Office**

P.O. Box 942849, Room 4158, Sacramento, CA 94249-0038; (916) 319-2038

[Jim Wood](#)

Dem - 2

[Contact Assembly Member Jim Wood](#)**Capitol Office**

P.O. Box 942849, Room 5164, Sacramento, CA 94249-0002; (916) 319-2002



(Attachment B)

# Welcome to the Senate Standing Committee on Business, Professions and Economic Development Website

Business and Professions meets every Monday at 1:00 P.M. in Room 3191. However, always check the Senate File for any changes.

**JURISDICTION:** Bills relating to business and professional practices and regulations other than bills relating to horseracing, alcoholic beverages, oil, mining, geothermal, or forestry industries.

## COMMITTEE RULES

## Members

Senator Jerry Hill (Chair)  
Senator Patricia C. Bates (Vice Chair)  
Senator Tom Berryhill  
Senator Marty Block  
Senator Cathleen Galgiani  
Senator Ed Hernandez  
Senator Hannah-Beth Jackson  
Senator Tony Mendoza  
Senator Bob Wieckowski

## Description and Jurisdiction of Committee

### Committee Address

**Room:** 2053, State Capitol

**Phone:** (916) 651-4104

**Fax:** 916-266-9343

### Staff

**Chief Consultant:** Bill Gage

**Consultants:** Sarah Huchel, Sarah Mason, Mark Mendoza and Janelle Miyashiro

**Assistant:** Krimilda McKenzie





ATTACHMENT C

