



**LEGISLATIVE COMMITTEE
AUGUST 19, 2015**

SUBJECT: LEGISLATIVE PROGRAM REPORT

ACTION: RECEIVE AND FILE

5

RECOMMENDATION

Receive the status update report regarding Legislative Matters

ISSUE

This report summarizes 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.

A. LEGISLATIVE DAY

The Members of the BPM Legislative Committee will be invited to participate in visits to legislators at the Capitol on September 19, 2015; details to follow.

B. PROGRAM ACTIVITIES AND LEGISLATION MATRIX

DISCUSSION

1. ADMINISTRATIVE SUMMARY

On May 20, 2015 the Legislative Committee met for the second time this year. Kristina Dixon, President of the Board of Podiatric Medicine and Chair of the Legislative Committee, and Dr. Michael A. Zapf, appearing via teleconference. Staff members Jason Campbell, Executive Officer, and Kathleen Cooper, Administrative Analyst were also in attendance. The report was then presented to BPM at the June 5, 2015 Board Meeting. Below are the updates to the earlier Legislative Report.

2. 2015 LEGISLATION HEALTH BOARD IMPACT UPDATE

The proposed bills listed below reflect those bills that were reported earlier to BPM and that have actively progressed.

DEPARTMENT-WIDE LEGISLATION

AB 12 (Cooley) State government: administrative regulations: review

Location: Appropriations Committee

Date of Last Hearing: 7-14-2015 the bill heard and referred to Appropriations

This bill would require every state agency, department, board, bureau or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018.

Discussion: BPM has already begun the process of review. Scrivener's Errors for Continuing Education Regulations 1399.671 et al was submitted to the Office of Administrative Law ("OAL") on 7-23-15; and Oral Argument, Article 13, 1399.1730 et al., and Disciplinary Guidelines, 1399.710 et al. are being reviewed for submission to OAL.)

AB 85 (Wilk) Open meetings

Location: Assembly Appropriations Committee

Date of Hearing: This bill was heard in Committee on 7-14-15 and re-referred to Appropriations

This urgency bill would require two-member advisory committees or panels of a "state body" (as defined in the Bagley-Keene Open Meeting Act) to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body and the advisory committee is supported, in whole or in part, by state funds.

Discussion: An Open Meetings Act presentation will be conducted at the September 18, 2015 Board Mtg. Members of BPM will be able to inquire about specifics at that time, however, it is relevant to note that BPM has taken efforts for greater openness and transparency and has remained compliant with the requirements of AB 85.

AB 507 (Olsen) Department of Consumer Affairs: BreEZe system: annual report

Location: Committee on BP & E

Date of Hearing: This bill was read a second time, amended, and referred to BP & E on 7-13-15.

This bill would, on and after January 31, 2016, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the Department's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

Discussion: BPM supports all reasonable aspects of open reporting with the BreEZe system.

AB 611 (Dahle) Controlled substances: prescriptions: reporting

Location: Assembly Committee on Business and Professions

Date of Hearing: The author canceled the hearing on 4-21-15.

Discussion: This bill as has a two year cycle.

AB 728 (Hadley) State Government: Financial Reporting

Location: To Engrossing and Enrolling.

Date of Hearing: Passed third reading and ordered to the Assembly on 7-9-15

This bill would require all state agencies to post biennial reviews of internal accounting, administrative control, and monitoring practices on the Department website within five days of finalization. This report is already subject to Public Record Act requests as the report is currently submitted to the Governor, Legislature, State Controller, Treasurer, and others, for inspection by the public.

Discussion: This bill has moved forward and is being checked for accuracy.

AB 750 (Low) Business and professions: licenses

Location: In Appropriations and held under submission.

Date of Hearing: On 5-28-15 it was set for hearing.

This bill would allow all programs within the Department to issue a retired license. BPM already issues retired licenses.

Discussion: BPM will not likely be impacted by this proposed bill.

AB 1060 (Bonilla) Professions and vocations: licensure

Location: Appropriations

Date of Hearing: On 7-16-15 it was read a second time and amended and re-referred to Appropriations.

Discussion: This bill requires the California Health and Human Services Agency to establish a nonprofit Cancer Clinical Trials Foundation to solicit and receive funds from business, industry, foundations, and other private and public sources for the purpose of administering the Cancer Clinical Trials Grant Program to increase patient access to cancer clinical trials.

AB 1351 (Eggman) Deferred entry of judgment: pretrial diversion

Location: Committee on Appropriations

Date of Hearing: This bill was heard on 7-15-15 and referred to Appropriations.

Discussion: This bill changes the existing deferred entry of judgment program for specified offenses involving personal use or possession of controlled substances into a pretrial drug diversion program. The impact on BPM is unknown at this time.

AB 1352 (Eggman) Deferred entry of judgment: withdrawal of plea

Location: Committee on Appropriations

Date of Hearing: This bill was heard on 7-15-15 and referred to Appropriations.
Discussion: This bill provides that a defendant may qualify for Deferred Entry of Judgment of specified non-violent drug possession offenses if certain various conditions are present.

SB 467 (Hill) Professions and vocations

Location: Appropriations, suspense file

Date of Hearing: On 7-15-15 it was heard and referred to Appropriations..

Discussion: This bill requires the Department of Consumer Affairs to receive approval of the Legislature to levy pro rata charges against any of the boards, bureaus, or commissions for DCA's administrative expenses, and requires the Attorney General's Office to submit specified reports and information to the Legislature annually, and requires the DCA Director through the Division of Investigation to work with the health care boards to standardize referral of complaints, and also specifies certain details for the Board of Accountancy.

HEALING ARTS LEGISLATION

AB 159 (Calderon) Investigational drugs, biological products, and devices

Location: Appropriations, suspense file.

Date of Hearing: This matter was heard on 7-13-15. It has been amended and read a second time. This bill permits but does not require a manufacturer of an investigational drug, biological product, or device to make these available to an eligible patient. The bill is similar to SB 149 (Stone, 2015) and SB 715 (Anderson, 2015).

Discussion: This bill recognizes the federal government's involvement in this issue.

AB 333 (Melendez) Healing arts: continuing education

Location: Appropriations

Date of Hearing: This bill was heard on 7-7-15 where it was ordered to a third hearing.

Discussion: This bill authorizes a healing arts licensee to apply credits toward continuing education requirements for becoming an instructor and teaching a course on CPR and the proper use of an automatic external defibrillator.

SB 396 (Hill) Health and care facilities: outpatient settings and surgical clinics

Location: Ordered to Consent Calendar

Date of Hearing: On 7-16-15 this bill was heard and ordered to the Consent Calendar.

Discussion: This bill relates to outpatient settings and surgical clinics and licensure and enforcement. It requires licensees who perform procedures in an outpatient setting to be subject to peer review and it outlines specifics as to inspections of accredited outpatient surgical centers.

SB 482 (Lara) Controlled substances: CURES database

Location: In Assembly, Read first time. Held at Desk

Date of Hearing: This bill was read the third time on 5-28-15 and is currently being held.

Discussion: This bill requires prescribers to consult the CURES database prior to prescribing a Schedule II or III drug to a patient for the first time and delays implementation of this requirement until the Dept. of Justice certifies that the CURES database is ready for statewide use.

AB 623 (Wood) Abuse-deterrent opioid analgesic drug products

Location: Appropriations

Date of Hearing: On 5-27-15 this matter was referred to Appropriations, suspense file.

Discussion: This bill requires pharmacists to educate patients on storage and disposal of opioid analgesic drugs, restricts health plan or insurers from limited access of opioid analgesic drugs, and requires health plans or insurers to allow a provider to prescribe less than a 30-day supply of an opioid analgesic drug product. There are significant fiscal effects to this bill.

MEDICAL CANNABIS BILLS

Doctors of Podiatric Medicine will be impacted by currently pending legislation regarding medical marijuana. Among the laws relating to this issue: AB 26, AB 34, AB 266, and SB 643 were outlined in the previous BPM Legislative Report. Although there has been activity with these bills, it is unlikely that this issue will be finalized this session. Current activity focuses on the following:

AB 266 (Cooley and Lackey) Medical marijuana

Location: Appropriations

Date of Hearing: On 7-15-15 it was it was referred to Appropriations.

Discussion: This bill establishes a licensing and regulatory framework for medical cannabis under the Medical Cannabis Regulation and Control Act and would establish the Office of Marijuana Regulation within the Office of the Governor, The Division of Medical Cannabis Regulation within the State Board of Equalization, the Division of Medical Cannabis Manufacturing and Testing within the California Department of Public Health, and the Division of Medical Cannabis Cultivation within the California Department of Food and Agriculture, and would set forth the duties of the respective regulatory authorities.

SB 643 (McGuire) Medical marijuana

Location: Appropriations

Date of Hearing: On 7-16-15 it was referred to Appropriations.

Discussion: This bill would establish a licensing and regulatory framework for medical marijuana, to be administered by a new bureau within the Department of Consumer Affairs and enforced primarily by local governments.

3. QUARTERLY TIMELINE

Please find attached the BPM Quarterly Timeline

ATTACHMENTS

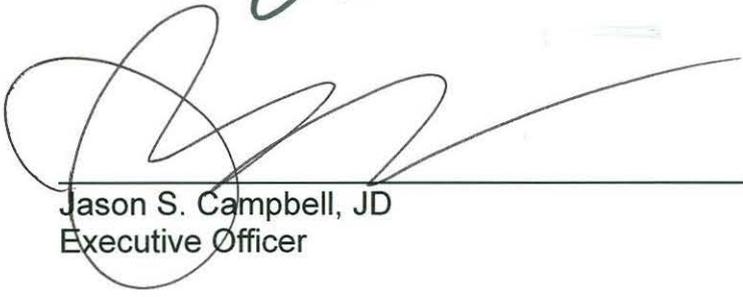
A: BPM – Quarterly Timeline

B. Legislation Matrix

Prepared by: Kathleen Cooper, JD

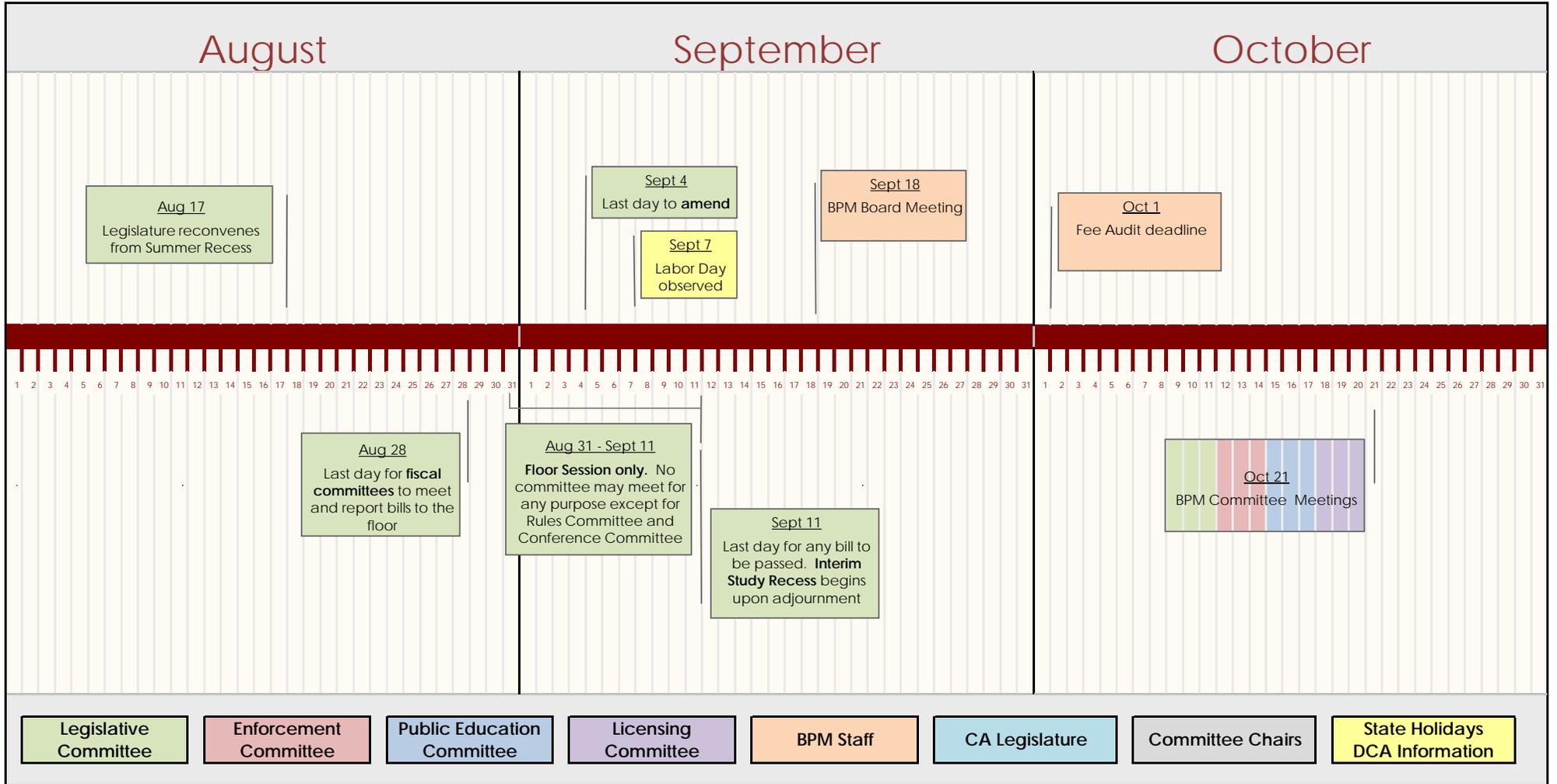


Kathleen Cooper, JD
Administrative Analyst



Jason S. Campbell, JD
Executive Officer

BPM QUARTERLY TIMELINE



BOARD OF PODIATRIC MEDICINE

Program Activities and Legislative & Regulatory Matrix

LEGISLATION								
Ankle Certification Study Sec. 2472	In Progress							
REGULATIONS								
Subject	Current Status	Date Approved by Board	Date Notice Published by OAL	Date of Public Hearing	Date of Final Adoption by Board	Date to DCA (and other control agencies for Final Review	Date to OAL for Review	Date to Secretary of State
Disciplinary Guidelines-Implementation of SB 1441	To BPM Enforcement Committee on 5-20-15	9-19-2015						
Scrivener's Errors –BPM Continuing Education Regulations	To BPM Licensing Committee on 5-21-15	6-5-2015	N/A	N/A		7-17-2015	7-23-2015	
BPM Regulations for Oral Argument	To BPM Enforcement Committee on 5-20-15	9-19-2015						