



**LEGISLATIVE COMMITTEE
OCTOBER 21, 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 November 13, 2015; details to follow.

B. PROGRAM ACTIVITIES AND LEGISLATION MATRIX

1. ADMINISTRATIVE SUMMARY

On August 21, 2015 the Legislative Committee met for the third 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, Dianne Dobbs, Legal Counsel, were in attendance. The report was then presented to BPM at the September 18, 2015 Board Meeting. Below are the updates to the earlier Legislative Report.

2. 2015 LEGISLATION HEALTH BOARD IMPACT UPDATE

The bills listed below reflect those bills that may impact the Board of Podiatric Medicine, and reflect the status indicated as of October 8, 2015. The Governor has up to October 11, 2015 to sign or veto bills.

DEPARTMENT-WIDE LEGISLATION

* = New Law

** = Pending

*** = Will Not Become Law This Year

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

Location: Appropriations: Held in submission on 8-27-15

This bill would require every state agency to review all provisions of the California Code of Regulations (CCR) it has adopted, and to adopt, amend, or repeal any regulations identified as duplicative, overlapping, or out of date by January 1, 2018.

*** **AB 85 (Wilk) Open meetings**

Location: Vetoed by the Governor on 9-28-15

This bill modifies the Bagley-Keene Open Meetings Act to require two-member advisory committees of a "state body" (as defined in the 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. Governor Brown stated as follows:

BILL NUMBER: AB 85

VETOED DATE: 09/28/2015

To the Members of the California State Assembly:

I am returning Assembly Bill 85 without my signature.

This bill expands the Bagley-Keene Open Meeting Act to include state advisory bodies, regardless of their size.

My thinking on this matter has not changed from last year when I vetoed a similar measure, AB 2058. I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law.

Sincerely,

Edmund G. Brown Jr.

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

Location: Hearing canceled at request of author on 8-17-15

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.

*****AB 611 (Dahle) Controlled substances: prescriptions: reporting**

Hearing canceled at request of author: On 4-21-15

***AB 728 (Hadley) State Government: Financial Reporting**

Location: Approved by the Governor on 9-30-15.

This bill requires that any internal audit report performed by a state agency to be posted on the agency's internet website within five business days after acceptance by the Department of Finance.

*****AB 750 (Low) Business and professions: licenses**

Location: Appropriations: Held under submission: On 5-28-15

This bill authorizes any of the boards, bureaus, etc... within DCA to establish a system for retired persons.

*****AB 1060 (Bonilla) Professions and vocations: licensure**

Location: Vetoed by the Governor on 10-5-15

This bill requires 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: Enrolled and sent to the Governor on 9-18-15. This bill converts the existing system of deferred entry of judgment (DEJ) for qualified drug possession offenders – generally those with no prior convictions or non-drug current charges – to a true diversion system, under which eligible defendants are admitted to an education and treatment program prior to conviction and grant of a dismissal of the charges upon successful completion of the program; allowing persons previously convicted of a drug possession offense, or who had previously participated in a diversion or DEJ program, or those for whom parole or probation has been revoked, may participate in a diversion program; and sets the length of the program from six months to one year, except that the court can extend the time for good cause.

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

Location: Enrolled and sent to the Governor on 9-25-15.

This bill allows any person who has successfully completed a deferred entry of judgment (DEJ) treatment program to obtain dismissal of the plea upon which DEJ was granted, on the basis that the guilty or no-contest plea underlying DEJ may

result in a denial of employment benefit, license or certificate, or have adverse immigration consequences, in conflict with the statement in the governing statute that the pleas shall not result in “denial of any employment, benefit, license, or certificate.”

****SB 467 (Hill) Professions and vocations**

Location: Enrolled and presented to the Governor on 9-15-15.

This bill is one of several sunset extension bills introduced this session and enacts a wide variety of changes to address issues raised during the 2015 sunset review process. Board of Accountancy has extended its sunset, term of its Executive Officer, and ability to restrict licenses. It also transfers authority for approving pro-rata charges for DCA administrative expenses that are imposed upon boards and bureaus within DCA to the Legislature, rather than having those charges set by the director of DCA with Department of Finance approval. It requires the Attorney General to submit an annual report to the Legislature, Governor, and DCA, beginning 1-1-17, that includes specified information on cases referred to the AG by DCA’s boards and bureaus. It provides that the Director of DCA, through its Division of Investigation (DOI) must work with the health care boards to implement “Complaint Prioritization Guidelines” in order to implement the Consumer Protection Enforcement Initiative of 2010. It also extends the sunset date for the Contractors State License Board until 1-1-2020, and revised the financial security requirements placed on contractors.

HEALING ARTS LEGISLATION

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

Location: Enrolled and sent to the Governor on 9-14-15.

This bill permits a manufacturer of an investigational drug, biological product, or device to make available an investigational drug, biological product, or device to an eligible patient, as defined. Prohibits this bill from requiring that a manufacturer make available an investigational drug, biological product, or device to an eligible patient.

***AB 333 (Melendez) Healing arts: continuing education**

Location: Approved by the Governor on 9-30-15.

Clarifies that a healing arts license may earn one unit of continuing education (CE) credit for attending a course in cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED) and up to two units of CE credit for conducting CPR or AED training sessions, if the licensing board includes the courses in its CE requirements.

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

Location: Approved by the Governor on 9-9-15 and Chaptered with the Secretary of State on 9-9-15, Chapter 287, Statutes 2015

This bill requires a Medicare-certified clinic and an accredited outpatient setting, as specified, to request a report from the appropriate healthcare regulatory board regarding the filing of a peer review report; requires licensees who perform procedures in outpatient settings to be subject to peer review every two years and that the governing body review the findings of those reports; and, specifies that

inspections of accredited outpatient surgical centers may be unannounced with a 60-day warning of the pending inspection.

*****SB 482 (Lara) Controlled substances: CURES database**

Location: In Assembly. Read first time. Held at Desk on 5-28-15.

Date of Hearing: This bill was heard on 4-29-15 (Ayes 7, Noes 1), and referred to This bill requires prescribers to consult the Controlled Substances Utilization Review and Evaluation System (CURES) prior to prescribing a Schedule II or III drug to a patient for the first time and delays implementation of this requirement until the Department of Justice (DOJ) certifies that the CURES database is ready for statewide use.

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

Location: Appropriations suspense file: Held under submission on 5-28-15

This bill relates to abuse of opioid analgesic drugs. Specifically, this bill requires pharmacists to inform patients receiving an opioid analgesic drug product on proper storage and disposal of the drug; restricts the ability of health plans and insurers to limit access to abuse-deterrent forms of opioid analgesic drugs; and requires a health plan or insurer to allow a provider to prescribe, and if otherwise covered, to provide coverage for, a less than 30-day supply of an opioid analgesic drug product.

****AB 679 (Allen) Controlled substances**

Location: Enrolled and sent to the Governor on 9-23-15

This bill deals with the State's Controlled Substance Utilization and Evaluation System (CURES) database that monitors and assists prescribers, dispensers, and law enforcement in identifying and deterring prescription drug abuse. The enrollment deadline for providers will be pushed back from January 1, 2016, to July 1, 2016, if the Governor signs the bill.

MEDICAL CANNABIS BILLS

It will be important to BPM in the coming legislative year to analyze any of the pending cannabis bills for their impact on BPM and their inclusion in the referral or prescription process.

*****AB 26 (Jones-Sawyer) Medical Cannabis Regulation and Control Act**

Location: Assembly Business and Professions and Health on 3-9-15

*****AB 34 (Bonta) Medical Cannabis**

Location: Re-referred to Com. On APPR. 6-3-15

****AB 266 (Cooley and Lackey) Medical marijuana**

Location: Enrolled and presented to the Governor on 9-23-15

This bill would create a state and local licensing and regulatory structure for the regulation of medical cannabis in the state. The bill would establish a new Office of Medical Cannabis Regulation within the Office of the Governor to oversee state regulatory efforts and would also require several other state agencies to assume licensing and regulatory responsibilities.

****SB 643 (McGuire) Medical marijuana**

Location: Enrolled and presented to the Governor on 9-18-15.

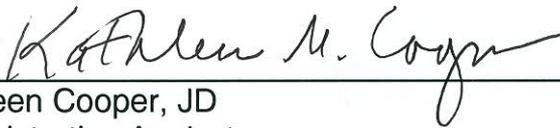
This bill creates a state licensing and regulatory framework for medical marijuana. The bill includes provisions related to licensure; health and safety standards, which include testing and labeling, record-keeping, security, transportation; taxation; certification of employees; and physician recommendation and advertising. It also establishes the Office of Medical Marijuana Regulation Office within the Business, Consumer Affairs, and Housing Agency, to enforce provisions relating to prescriptions, cultivation, and enforcement. It establishes a fee based system to recoup the costs of implementation and operation. Among the many other additional matters, it also requires the Department of Food and Agriculture to develop an organic designation.

ATTACHMENTS

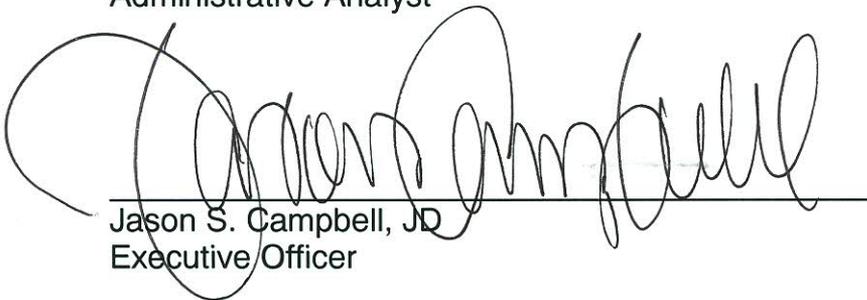
A: BPM – Quarterly Timeline

B. Legislation Matrix

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2015 Quarterly Calendar

October	November	December
<p>Oct 11 Last day for Governor to sign or veto bills passed by the Legislative</p>	<p>Nov 11 Veterans Day</p>	<p>Dec 1 BPM Sunset Report deadline</p>
<p>Oct 21 BPM Committee Meetings</p>	<p>Nov 13 BPM Board Meeting</p>	<p>Dec 25 Christmas Day</p>
	<p>Nov 13 Legislative Committee Visits State Capitol</p>	
	<p>Nov 26 & 27 Thanksgiving Day & Day after Thanksgiving</p>	
<p>Legislative Committee</p>	<p>Licensing Committee</p>	<p>Committee Chairs</p>
<p>Enforcement Committee</p>	<p>BPM Staff</p>	<p>CA Legislature</p>
<p>Public Education Committee</p>	<p>State Holidays DCA Information</p>	

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 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	Currently Drafting w/ Legal Counsel						
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	9-3-15 New Regulations Published
BPM Regulations for Oral Argument	To BPM Enforcement Committee on 5-20-15	9-18-2015						