

EXECUTIVE MANAGEMENT COMMITTEE
MAY 11, 2016

SUBJECT: SB 1039

4

ACTION: DISCUSS, CONSIDER AND RECOMMEND A POSITION TO SUPPORT OR
OPPOSE SB 1039

RECOMMENDATION

Discuss, consider and recommend a position to support or oppose SB 1039

ISSUE

Proposed legislation affecting the California Board of Podiatric Medicine.

DISCUSSION

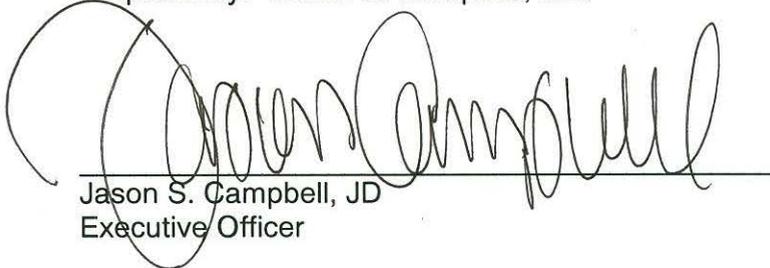
The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine are issued by the Medical Board of California.

This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs and would permit BPM to issue certificates to practice podiatric medicine.

ATTACHMENTS

A. SB 1039

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Executive Officer

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections ~~1636.4~~, 2423, 2460, 2461, 2475, 2479, 2486, 2488, 2492, 2499, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4999, 4999.2, 7137, 7153.3, 8031, 8516, and 8518 of, to amend, repeal, and add Section 4400 of, to add Section 2499.7 to, ~~and to repeal Chapter 15 (commencing with Section 4999) of Division 2 of, Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, and to repeal and add Section 4999.5 of,~~ the Business and Professions Code, to ~~repeal~~ amend Section 1348.8 of the Health and Safety Code, and to ~~repeal~~ amend Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

~~(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.~~

~~This bill would authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards and the foreign dental school is not under review by the board on January 1, 2017, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.~~

~~(3)~~

~~(2) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.~~

~~This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs, and would make conforming and related changes. The bill would discontinue the above-described requirement for the expiration of the registrations of spectacle lens dispensers and contact lens dispensers.~~

~~(4)~~

~~(3) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing~~

education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(5)

(4) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, on and after July 1, 2017, modify specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(6)

(5) Existing law requires ~~certain~~ businesses *that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice*, that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, ~~among other provisions~~, as specified.

~~This bill would repeal those provisions.~~

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing

arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

(7)

(6) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise specified fees and would require the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(8)

(7) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.

(9)

(8) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared

and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

(10)

(9) 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: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. It is the intent of the Legislature to enact future
2 legislation that would establish a Dental Corps Scholarship
3 Program within the Health Professions Education Foundation to
4 increase the supply of dentists serving in medically underserved
5 areas.

6 ~~SEC. 2. Section 1636.4 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~1636.4. (a) The Legislature recognizes the need to ensure that~~
9 ~~graduates of foreign dental schools who have received an education~~
10 ~~that is equivalent to that of accredited institutions in the United~~
11 ~~States and that adequately prepares their students for the practice~~
12 ~~of dentistry shall be subject to the same licensure requirements as~~
13 ~~graduates of approved dental schools or colleges. It is the purpose~~
14 ~~of this section to provide for the evaluation of foreign dental~~
15 ~~schools and the approval of those foreign dental schools that~~
16 ~~provide an education that is equivalent to that of similar accredited~~
17 ~~institutions in the United States and that adequately prepare their~~
18 ~~students for the practice of dentistry.~~

19 ~~(b) The board shall be responsible for the approval of foreign~~
20 ~~dental schools based on standards established pursuant to~~
21 ~~subdivision (c). The board may contract with outside consultants~~
22 ~~or a national professional organization to survey and evaluate~~
23 ~~foreign dental schools. The consultant or organization shall report~~
24 ~~to the board regarding its findings in the survey and evaluation.~~
25 ~~The board may, in lieu of conducting its own survey and evaluation~~
26 ~~of a foreign dental school, accept the findings of any commission~~
27 ~~or accreditation agency approved by the board if the findings meet~~
28 ~~the standards of subdivision (c) and adopt those findings as the~~
29 ~~board's own. This subdivision shall not apply to foreign dental~~
30 ~~schools seeking board approval that are under review by the board~~
31 ~~on January 1, 2017.~~

32 ~~(c) Any foreign dental school that wishes to be approved~~
33 ~~pursuant to this section shall make application to the board for this~~
34 ~~approval, which shall be based upon a finding by the board that~~
35 ~~the educational program of the foreign dental school is equivalent~~

1 to that of similar accredited institutions in the United States and
2 adequately prepares its students for the practice of dentistry.
3 Curriculum, faculty qualifications, student attendance, plant and
4 facilities, and other relevant factors shall be reviewed and
5 evaluated. The board shall identify by rule the standards and review
6 procedures and methodology to be used in the approval process
7 consistent with this subdivision. The board shall not grant approval
8 if deficiencies found are of such magnitude as to prevent the
9 students in the school from receiving an educational base suitable
10 for the practice of dentistry.

11 (d) Periodic surveys and evaluations of all approved schools
12 may be made to ensure continued compliance with this section.
13 Approval shall include provisional and full approval. The
14 provisional form of approval shall be for a period determined by
15 the board, not to exceed three years, and shall be granted to an
16 institution, in accordance with rules established by the board, to
17 provide reasonable time for the school seeking permanent approval
18 to overcome deficiencies found by the board. Prior to the expiration
19 of a provisional approval and before the full approval is granted,
20 the school shall be required to submit evidence that deficiencies
21 noted at the time of initial application have been remedied. A
22 school granted full approval shall provide evidence of continued
23 compliance with this section. In the event that the board denies
24 approval or reapproval, the board shall give the school a specific
25 listing of the deficiencies that caused the denial and the
26 requirements for remedying the deficiencies, and shall permit the
27 school, upon request, to demonstrate by satisfactory evidence,
28 within 90 days, that it has remedied the deficiencies listed by the
29 board.

30 (e) A school shall pay a registration fee established by rule of
31 the board, not to exceed one thousand dollars (\$1,000), at the time
32 of application for approval and shall pay all reasonable costs and
33 expenses incurred for conducting the approval survey.

34 (f) The board shall renew approval upon receipt of a renewal
35 application, accompanied by a fee not to exceed five hundred
36 dollars (\$500). Each fully approved institution shall submit a
37 renewal application every seven years. Any approval that is not
38 renewed shall automatically expire.

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 2423 of the Business and Professions Code is
3 amended to read:

4 2423. (a) Notwithstanding Section 2422:

5 (1) All physician and surgeon's certificates and certificates to
6 practice midwifery shall expire at 12 midnight on the last day of
7 the birth month of the licensee during the second year of a two-year
8 term if not renewed.

9 (2) Registrations of dispensing opticians will expire at midnight
10 on the last day of the month in which the license was issued during
11 the second year of a two-year term if not renewed.

12 (b) The board shall establish by regulation procedures for the
13 administration of a birth date renewal program, including, but not
14 limited to, the establishment of a system of staggered license
15 expiration dates such that a relatively equal number of licenses
16 expire monthly.

17 (c) To renew an unexpired license, the licensee shall, on or
18 before the dates on which it would otherwise expire, apply for
19 renewal on a form prescribed by the licensing authority and pay
20 the prescribed renewal fee.

21 ~~SEC. 4.~~

22 *SEC. 3.* Section 2460 of the Business and Professions Code is
23 amended to read:

24 2460. (a) There is created within the Department of Consumer
25 Affairs a California Board of Podiatric Medicine.

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

32 ~~SEC. 5.~~

33 *SEC. 4.* Section 2461 of the Business and Professions Code is
34 amended to read:

35 2461. As used in this article:

36 (a) "Board" means the California Board of Podiatric Medicine.

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

1 ~~SEC. 6.~~

2 *SEC. 5.* Section 2475 of the Business and Professions Code is
3 amended to read:

4 2475. Unless otherwise provided by law, no postgraduate
5 trainee, intern, resident postdoctoral fellow, or instructor may
6 engage in the practice of podiatric medicine, or receive
7 compensation therefor, or offer to engage in the practice of
8 podiatric medicine unless he or she holds a valid, unrevoked, and
9 unsuspended certificate to practice podiatric medicine issued by
10 the board. However, a graduate of an approved college or school
11 of podiatric medicine upon whom the degree doctor of podiatric
12 medicine has been conferred, who is issued a resident's license,
13 which may be renewed annually for up to eight years for this
14 purpose by the board, and who is enrolled in a postgraduate training
15 program approved by the board, may engage in the practice of
16 podiatric medicine whenever and wherever required as a part of
17 that program and may receive compensation for that practice under
18 the following conditions:

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

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

1 ~~SEC. 7.~~

2 *SEC. 6.* Section 2479 of the Business and Professions Code is
3 amended to read:

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

11 ~~SEC. 8.~~

12 *SEC. 7.* Section 2486 of the Business and Professions Code is
13 amended to read:

14 2486. The board shall issue a certificate to practice podiatric
15 medicine if the applicant has submitted directly to the board from
16 the credentialing organizations verification that he or she meets
17 all of the following requirements:

18 (a) The applicant has graduated from an approved school or
19 college of podiatric medicine and meets the requirements of Section
20 2483.

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

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

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

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

36 (f) The board determines that no disciplinary action has been
37 taken against the applicant by any podiatric licensing authority
38 and that the applicant has not been the subject of adverse judgments
39 or settlements resulting from the practice of podiatric medicine

1 that the board determines constitutes evidence of a pattern of
2 negligence or incompetence.

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

6 ~~SEC. 9.~~

7 *SEC. 8.* Section 2488 of the Business and Professions Code is
8 amended to read:

9 2488. Notwithstanding any other law, the board shall issue a
10 certificate to practice podiatric medicine by credentialing if the
11 applicant has submitted directly to the board from the credentialing
12 organizations verification that he or she is licensed as a doctor of
13 podiatric medicine in any other state and meets all of the following
14 requirements:

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

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

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

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

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

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

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

1 ~~SEC. 10.~~

2 *SEC. 9.* Section 2492 of the Business and Professions Code is
3 amended to read:

4 2492. (a) The board shall examine every applicant for a
5 certificate to practice podiatric medicine to ensure a minimum of
6 entry-level competence at the time and place designated by the
7 board in its discretion, but at least twice a year.

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

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

17 (d) The provisions of Article 9 (commencing with Section 2170)
18 shall apply to examinations administered by the board except where
19 those provisions are in conflict with or inconsistent with the
20 provisions of this article.

21 ~~SEC. 11.~~

22 *SEC. 10.* Section 2499 of the Business and Professions Code
23 is amended to read:

24 2499. There is in the State Treasury the Board of Podiatric
25 Medicine Fund. Notwithstanding Section 2445, the board shall
26 report to the Controller at the beginning of each calendar month
27 for the month preceding the amount and source of all revenue
28 received by the board, pursuant to this chapter, and shall pay the
29 entire amount thereof to the Treasurer for deposit into the fund.
30 All revenue received by the board from fees authorized to be
31 charged relating to the practice of podiatric medicine shall be
32 deposited in the fund as provided in this section, and shall be used
33 to carry out the provisions of this chapter relating to the regulation
34 of the practice of podiatric medicine.

35 ~~SEC. 12.~~

36 *SEC. 11.* Section 2499.7 is added to the Business and
37 Professions Code, to read:

38 2499.7. (a) Certificates to practice podiatric medicine shall
39 expire at 12 midnight on the last day of the birth month of the
40 licensee during the second year of a two-year term.

1 (b) To renew an unexpired certificate, the licensee, on or before
2 the date on which the certificate would otherwise expire, shall
3 apply for renewal on a form prescribed by the board and pay the
4 prescribed renewal fee.

5 ~~SEC. 13.~~

6 *SEC. 12.* Section 2733 of the Business and Professions Code
7 is amended to read:

8 2733. (a) (1) (A) Upon approval of an application filed
9 pursuant to subdivision (b) of Section 2732.1, and upon the
10 payment of the fee prescribed by subdivision (k) of Section 2815,
11 the board may issue a temporary license to practice professional
12 nursing, and a temporary certificate to practice as a certified public
13 health nurse for a period of six months from the date of issuance.

14 (B) Upon approval of an application filed pursuant to
15 subdivision (b) of Section 2732.1, and upon the payment of the
16 fee prescribed by subdivision (d) of Section 2838.2, the board may
17 issue a temporary certificate to practice as a certified clinical nurse
18 specialist for a period of six months from the date of issuance.

19 (C) Upon approval of an application filed pursuant to
20 subdivision (b) of Section 2732.1, and upon the payment of the
21 fee prescribed by subdivision (e) of Section 2815.5, the board may
22 issue a temporary certificate to practice as a certified nurse-midwife
23 for a period of six months from the date of issuance.

24 (D) Upon approval of an application filed pursuant to
25 subdivision (b) of Section 2732.1, and upon the payment of the
26 fee prescribed by subdivision (d) of Section 2830.7, the board may
27 issue a temporary certificate to practice as a certified nurse
28 anesthetist for a period of six months from the date of issuance.

29 (E) Upon approval of an application filed pursuant to subdivision
30 (b) of Section 2732.1, and upon the payment of the fee prescribed
31 by subdivision (p) of Section 2815, the board may issue a
32 temporary certificate to practice as a certified nurse practitioner
33 for a period of six months from the date of issuance.

34 (2) A temporary license or temporary certificate shall terminate
35 upon notice thereof by certified mail, return receipt requested, if
36 it is issued by mistake or if the application for permanent licensure
37 is denied.

38 (b) Upon written application, the board may reissue a temporary
39 license or temporary certificate to any person who has applied for
40 a regular renewable license pursuant to subdivision (b) of Section

1 2732.1 and who, in the judgment of the board has been excusably
2 delayed in completing his or her application for or the minimum
3 requirements for a regular renewable license, but the board may
4 not reissue a temporary license or temporary certificate more than
5 twice to any one person.

6 ~~SEC. 14.~~

7 *SEC. 13.* Section 2746.51 of the Business and Professions Code
8 is amended to read:

9 2746.51. (a) Neither this chapter nor any other provision of
10 law shall be construed to prohibit a certified nurse-midwife from
11 furnishing or ordering drugs or devices, including controlled
12 substances classified in Schedule II, III, IV, or V under the
13 California Uniform Controlled Substances Act (Division 10
14 (commencing with Section 11000) of the Health and Safety Code),
15 when all of the following apply:

16 (1) The drugs or devices are furnished or ordered incidentally
17 to the provision of any of the following:

18 (A) Family planning services, as defined in Section 14503 of
19 the Welfare and Institutions Code.

20 (B) Routine health care or perinatal care, as defined in
21 subdivision (d) of Section 123485 of the Health and Safety Code.

22 (C) Care rendered, consistent with the certified nurse-midwife's
23 educational preparation or for which clinical competency has been
24 established and maintained, to persons within a facility specified
25 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the
26 Health and Safety Code, a clinic as specified in Section 1204 of
27 the Health and Safety Code, a general acute care hospital as defined
28 in subdivision (a) of Section 1250 of the Health and Safety Code,
29 a licensed birth center as defined in Section 1204.3 of the Health
30 and Safety Code, or a special hospital specified as a maternity
31 hospital in subdivision (f) of Section 1250 of the Health and Safety
32 Code.

33 (2) The drugs or devices are furnished or ordered by a certified
34 nurse-midwife in accordance with standardized procedures or
35 protocols. For purposes of this section, standardized procedure
36 means a document, including protocols, developed and approved
37 by the supervising physician and surgeon, the certified
38 nurse-midwife, and the facility administrator or his or her designee.
39 The standardized procedure covering the furnishing or ordering
40 of drugs or devices shall specify all of the following:

1 (A) Which certified nurse-midwife may furnish or order drugs
2 or devices.

3 (B) Which drugs or devices may be furnished or ordered and
4 under what circumstances.

5 (C) The extent of physician and surgeon supervision.

6 (D) The method of periodic review of the certified
7 nurse-midwife's competence, including peer review, and review
8 of the provisions of the standardized procedure.

9 (3) If Schedule II or III controlled substances, as defined in
10 Sections 11055 and 11056 of the Health and Safety Code, are
11 furnished or ordered by a certified nurse-midwife, the controlled
12 substances shall be furnished or ordered in accordance with a
13 patient-specific protocol approved by the treating or supervising
14 physician and surgeon. For Schedule II controlled substance
15 protocols, the provision for furnishing the Schedule II controlled
16 substance shall address the diagnosis of the illness, injury, or
17 condition for which the Schedule II controlled substance is to be
18 furnished.

19 (4) The furnishing or ordering of drugs or devices by a certified
20 nurse-midwife occurs under physician and surgeon supervision.
21 For purposes of this section, no physician and surgeon shall
22 supervise more than four certified nurse-midwives at one time.
23 Physician and surgeon supervision shall not be construed to require
24 the physical presence of the physician, but does include all of the
25 following:

26 (A) Collaboration on the development of the standardized
27 procedure or protocol.

28 (B) Approval of the standardized procedure or protocol.

29 (C) Availability by telephonic contact at the time of patient
30 examination by the certified nurse-midwife.

31 (b) (1) The furnishing or ordering of drugs or devices by a
32 certified nurse-midwife is conditional on the issuance by the board
33 of a number to the applicant who has successfully completed the
34 requirements of paragraph (2). The number shall be included on
35 all transmittals of orders for drugs or devices by the certified
36 nurse-midwife. The board shall maintain a list of the certified
37 nurse-midwives that it has certified pursuant to this paragraph and
38 the number it has issued to each one. The board shall make the list
39 available to the California State Board of Pharmacy upon its
40 request. Every certified nurse-midwife who is authorized pursuant

1 to this section to furnish or issue a drug order for a controlled
2 substance shall register with the United States Drug Enforcement
3 Administration.

4 (2) The board has certified in accordance with paragraph (1)
5 that the certified nurse-midwife has satisfactorily completed a
6 course in pharmacology covering the drugs or devices to be
7 furnished or ordered under this section. The board shall establish
8 the requirements for satisfactory completion of this paragraph.
9 The board may charge the applicant a fee to cover all necessary
10 costs to implement this section, that shall be not less than four
11 hundred dollars (\$400) nor more than one thousand five hundred
12 dollars (\$1,500) for an initial application, nor less than one hundred
13 fifty dollars (\$150) nor more than one thousand dollars (\$1,000)
14 for an application for renewal. The board may charge a penalty
15 fee for failure to renew a furnishing number within the prescribed
16 time that shall be not less than seventy-five dollars (\$75) nor more
17 than five hundred dollars (\$500).

18 (3) A physician and surgeon may determine the extent of
19 supervision necessary pursuant to this section in the furnishing or
20 ordering of drugs and devices.

21 (4) A copy of the standardized procedure or protocol relating
22 to the furnishing or ordering of controlled substances by a certified
23 nurse-midwife shall be provided upon request to any licensed
24 pharmacist who is uncertain of the authority of the certified
25 nurse-midwife to perform these functions.

26 (5) Certified nurse-midwives who are certified by the board and
27 hold an active furnishing number, who are currently authorized
28 through standardized procedures or protocols to furnish Schedule
29 II controlled substances, and who are registered with the United
30 States Drug Enforcement Administration shall provide
31 documentation of continuing education specific to the use of
32 Schedule II controlled substances in settings other than a hospital
33 based on standards developed by the board.

34 (c) Drugs or devices furnished or ordered by a certified
35 nurse-midwife may include Schedule II controlled substances
36 under the California Uniform Controlled Substances Act (Division
37 10 (commencing with Section 11000) of the Health and Safety
38 Code) under the following conditions:

39 (1) The drugs and devices are furnished or ordered in accordance
40 with requirements referenced in paragraphs (2) to (4), inclusive,

1 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
2 subdivision (b).

3 (2) When Schedule II controlled substances, as defined in
4 Section 11055 of the Health and Safety Code, are furnished or
5 ordered by a certified nurse-midwife, the controlled substances
6 shall be furnished or ordered in accordance with a patient-specific
7 protocol approved by the treating or supervising physician and
8 surgeon.

9 (d) Furnishing of drugs or devices by a certified nurse-midwife
10 means the act of making a pharmaceutical agent or agents available
11 to the patient in strict accordance with a standardized procedure
12 or protocol. Use of the term “furnishing” in this section shall
13 include the following:

14 (1) The ordering of a drug or device in accordance with the
15 standardized procedure or protocol.

16 (2) Transmitting an order of a supervising physician and
17 surgeon.

18 (e) “Drug order” or “order” for purposes of this section means
19 an order for medication or for a drug or device that is dispensed
20 to or for an ultimate user, issued by a certified nurse-midwife as
21 an individual practitioner, within the meaning of Section 1306.03
22 of Title 21 of the Code of Federal Regulations. Notwithstanding
23 any other provision of law, (1) a drug order issued pursuant to this
24 section shall be treated in the same manner as a prescription of the
25 supervising physician; (2) all references to “prescription” in this
26 code and the Health and Safety Code shall include drug orders
27 issued by certified nurse-midwives; and (3) the signature of a
28 certified nurse-midwife on a drug order issued in accordance with
29 this section shall be deemed to be the signature of a prescriber for
30 purposes of this code and the Health and Safety Code.

31 ~~SEC. 15.~~

32 *SEC. 14.* Section 2786.5 of the Business and Professions Code
33 is amended to read:

34 2786.5. (a) An institution of higher education or a private
35 postsecondary school of nursing approved by the board pursuant
36 to subdivision (b) of Section 2786 shall remit to the board for
37 deposit in the Board of Registered Nursing Fund the following
38 fees, in accordance with the following schedule:

1 (1) The fee for approval of a school of nursing shall be fixed
2 by the board at not less than forty thousand dollars (\$40,000) nor
3 more than eighty thousand dollars (\$80,000).

4 (2) The fee for continuing approval of a nursing program
5 established after January 1, 2013, shall be fixed by the board at
6 not less than fifteen thousand dollars (\$15,000) nor more than
7 thirty thousand dollars (\$30,000).

8 (3) The processing fee for authorization of a substantive change
9 to an approval of a school of nursing shall be fixed by the board
10 at not less than two thousand five hundred dollars (\$2,500) nor
11 more than five thousand dollars (\$5,000).

12 (b) If the board determines that the annual cost of providing
13 oversight and review of a school of nursing, as required by this
14 article, is less than the amount of any fees required to be paid by
15 that institution pursuant to this article, the board may decrease the
16 fees applicable to that institution to an amount that is proportional
17 to the board’s costs associated with that institution.

18 ~~SEC. 16.~~

19 *SEC. 15.* Section 2811 of the Business and Professions Code
20 is amended to read:

21 2811. (a) Each person holding a regular renewable license
22 under this chapter, whether in an active or inactive status, shall
23 apply for a renewal of his license and pay the biennial renewal fee
24 required by this chapter each two years on or before the last day
25 of the month following the month in which his birthday occurs,
26 beginning with the second birthday following the date on which
27 the license was issued, whereupon the board shall renew the
28 license.

29 (b) Each such license not renewed in accordance with this
30 section shall expire but may within a period of eight years
31 thereafter be reinstated upon payment of the fee required by this
32 chapter and upon submission of such proof of the applicant’s
33 qualifications as may be required by the board, except that during
34 such eight-year period no examination shall be required as a
35 condition for the reinstatement of any such expired license which
36 has lapsed solely by reason of nonpayment of the renewal fee.
37 After the expiration of such eight-year period the board may require
38 as a condition of reinstatement that the applicant pass such
39 examination as it deems necessary to determine his present fitness
40 to resume the practice of professional nursing.

1 (c) A license in an inactive status may be restored to an active
2 status if the licensee meets the continuing education standards of
3 Section 2811.5.

4 ~~SEC. 17.~~

5 *SEC. 16.* Section 2811.5 of the Business and Professions Code
6 is amended to read:

7 2811.5. (a) Each person renewing his or her license under
8 Section 2811 shall submit proof satisfactory to the board that,
9 during the preceding two-year period, he or she has been informed
10 of the developments in the registered nurse field or in any special
11 area of practice engaged in by the licensee, occurring since the
12 last renewal thereof, either by pursuing a course or courses of
13 continuing education in the registered nurse field or relevant to
14 the practice of the licensee, and approved by the board, or by other
15 means deemed equivalent by the board.

16 (b) For purposes of this section, the board shall, by regulation,
17 establish standards for continuing education. The standards shall
18 be established in a manner to ensure that a variety of alternative
19 forms of continuing education are available to licensees, including,
20 but not limited to, academic studies, in-service education, institutes,
21 seminars, lectures, conferences, workshops, extension studies, and
22 home study programs. The standards shall take cognizance of
23 specialized areas of practice, and content shall be relevant to the
24 practice of nursing and shall be related to the scientific knowledge
25 or technical skills required for the practice of nursing or be related
26 to direct or indirect patient or client care. The continuing education
27 standards established by the board shall not exceed 30 hours of
28 direct participation in a course or courses approved by the board,
29 or its equivalent in the units of measure adopted by the board.

30 (c) The board shall audit continuing education providers at least
31 once every five years to ensure adherence to regulatory
32 requirements, and shall withhold or rescind approval from any
33 provider that is in violation of the regulatory requirements.

34 (d) The board shall encourage continuing education in spousal
35 or partner abuse detection and treatment. In the event the board
36 establishes a requirement for continuing education coursework in
37 spousal or partner abuse detection or treatment, that requirement
38 shall be met by each licensee within no more than four years from
39 the date the requirement is imposed.

1 (e) In establishing standards for continuing education, the board
2 shall consider including a course in the special care needs of
3 individuals and their families facing end-of-life issues, including,
4 but not limited to, all of the following:

- 5 (1) Pain and symptom management.
- 6 (2) The psycho-social dynamics of death.
- 7 (3) Dying and bereavement.
- 8 (4) Hospice care.

9 (f) In establishing standards for continuing education, the board
10 may include a course on pain management.

11 (g) This section shall not apply to licensees during the first two
12 years immediately following their initial licensure in California
13 or any other governmental jurisdiction.

14 (h) The board may, in accordance with the intent of this section,
15 make exceptions from continuing education requirements for
16 licensees residing in another state or country, or for reasons of
17 health, military service, or other good cause.

18 ~~SEC. 18.~~

19 *SEC. 17.* Section 2815 of the Business and Professions Code
20 is amended to read:

21 2815. Subject to the provisions of Section 128.5, the amount
22 of the fees prescribed by this chapter in connection with the
23 issuance of licenses for registered nurses under its provisions is
24 that fixed by the following schedule:

25 (a) (1) The fee to be paid upon the filing by a graduate of an
26 approved school of nursing in this state of an application for a
27 licensure by examination shall be fixed by the board at not less
28 than three hundred dollars (\$300) nor more than one thousand
29 dollars (\$1,000).

30 (2) The fee to be paid upon the filing by a graduate of a school
31 of nursing in another state, district, or territory of the United States
32 of an application for a licensure by examination shall be fixed by
33 the board at not less than three hundred fifty dollars (\$350) nor
34 more than one thousand dollars (\$1,000).

35 (3) The fee to be paid upon the filing by a graduate of a school
36 of nursing in another country of an application for a licensure by
37 examination shall be fixed by the board at not less than seven
38 hundred fifty dollars (\$750) nor more than one thousand five
39 hundred dollars (\$1,500).

1 (4) The fee to be paid upon the filing of an application for
2 licensure by a repeat examination shall be fixed by the board at
3 not less than two hundred fifty dollars (\$250) and not more than
4 one thousand dollars (\$1,000).

5 (b) The fee to be paid for taking each examination shall be the
6 actual cost to purchase an examination from a vendor approved
7 by the board.

8 (c) (1) The fee to be paid for application by a person who is
9 licensed or registered as a nurse in another state, district, or territory
10 of the United States for licensure by endorsement shall be fixed
11 by the board at not less than three hundred fifty dollars (\$350) nor
12 more than one thousand dollars (\$1,000).

13 (2) The fee to be paid for application by a person who is licensed
14 or registered as a nurse in another country for licensure by
15 endorsement shall be fixed by the board at not less than seven
16 hundred fifty dollars (\$750) nor more than one thousand five
17 hundred dollars (\$1,500).

18 (d) (1) The biennial fee to be paid upon the filing of an
19 application for renewal of the license shall be not less than one
20 hundred eighty dollars (\$180) nor more than seven hundred fifty
21 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall
22 be collected and credited to the Registered Nurse Education Fund,
23 pursuant to Section 2815.1.

24 (2) The fee to be paid upon the filing of an application for
25 reinstatement pursuant to subdivision (b) of Section 2811 shall be
26 not less than three hundred fifty dollars (\$350) nor more than one
27 thousand dollars (\$1,000).

28 (e) The penalty fee for failure to renew a license within the
29 prescribed time shall be fixed by the board at not more than 50
30 percent of the regular renewal fee, but not less than ninety dollars
31 (\$90) nor more than three hundred seventy-five dollars (\$375).

32 (f) The fee to be paid for approval of a continuing education
33 provider shall be fixed by the board at not less than five hundred
34 dollars (\$500) nor more than one thousand dollars (\$1,000).

35 (g) The biennial fee to be paid upon the filing of an application
36 for renewal of provider approval shall be fixed by the board at not
37 less than seven hundred fifty dollars (\$750) nor more than one
38 thousand dollars (\$1,000).

39 (h) The penalty fee for failure to renew provider approval within
40 the prescribed time shall be fixed at not more than 50 percent of

1 the regular renewal fee, but not less than one hundred twenty-five
2 dollars (\$125) nor more than five hundred dollars (\$500).

3 (i) The penalty for submitting insufficient funds or fictitious
4 check, draft or order on any bank or depository for payment of
5 any fee to the board shall be fixed at not less than fifteen dollars
6 (\$15) nor more than thirty dollars (\$30).

7 (j) The fee to be paid for an interim permit shall be fixed by the
8 board at not less than one hundred dollars (\$100) nor more than
9 two hundred fifty dollars (\$250).

10 (k) The fee to be paid for a temporary license shall be fixed by
11 the board at not less than one hundred dollars (\$100) nor more
12 than two hundred fifty dollars (\$250).

13 (l) The fee to be paid for processing endorsement papers to other
14 states shall be fixed by the board at not less than one hundred
15 dollars (\$100) nor more than two hundred dollars (\$200).

16 (m) The fee to be paid for a certified copy of a school transcript
17 shall be fixed by the board at not less than fifty dollars (\$50) nor
18 more than one hundred dollars (\$100).

19 (n) (1) The fee to be paid for a duplicate pocket license shall
20 be fixed by the board at not less than fifty dollars (\$50) nor more
21 than seventy-five dollars (\$75).

22 (2) The fee to be paid for a duplicate wall certificate shall be
23 fixed by the board at not less than sixty dollars (\$60) nor more
24 than one hundred dollars (\$100).

25 (o) (1) The fee to be paid by a registered nurse for an evaluation
26 of his or her qualifications to use the title “nurse practitioner” shall
27 be fixed by the board at not less than five hundred dollars (\$500)
28 nor more than one thousand five hundred dollars (\$1,500).

29 (2) The fee to be paid by a registered nurse for a temporary
30 certificate to practice as a nurse practitioner shall be fixed by the
31 board at not less than one hundred fifty dollars (\$150) nor more
32 than five hundred dollars (\$500).

33 (3) The fee to be paid upon the filing of an application for
34 renewal of a certificate to practice as a nurse practitioner shall be
35 not less than one hundred fifty dollars (\$150) nor more than one
36 thousand dollars (\$1,000).

37 (4) The penalty fee for failure to renew a certificate to practice
38 as a nurse practitioner within the prescribed time shall be not less
39 than seventy-five dollars (\$75) nor more than five hundred dollars
40 (\$500).

1 (p) The fee to be paid by a registered nurse for listing as a
2 “psychiatric mental health nurse” shall be fixed by the board at
3 not less than three hundred fifty dollars (\$350) nor more than seven
4 hundred fifty dollars (\$750).

5 (q) The fee to be paid for duplicate National Council Licensure
6 Examination for registered nurses (NCLEX-RN) examination
7 results shall be not less than sixty dollars (\$60) nor more than one
8 hundred dollars (\$100).

9 (r) The fee to be paid for a letter certifying a license shall be
10 not less than twenty dollars (\$20) nor more than thirty dollars
11 (\$30).

12 No further fee shall be required for a license or a renewal thereof
13 other than as prescribed by this chapter.

14 ~~SEC. 19.~~

15 *SEC. 18.* Section 2815.5 of the Business and Professions Code
16 is amended to read:

17 2815.5. The amount of the fees prescribed by this chapter in
18 connection with the issuance of certificates as nurse-midwives is
19 that fixed by the following schedule:

20 (a) The fee to be paid upon the filing of an application for a
21 certificate shall be fixed by the board at not less than five hundred
22 dollars (\$500) nor more than one thousand five hundred dollars
23 (\$1,500).

24 (b) The biennial fee to be paid upon the application for a renewal
25 of a certificate shall be fixed by the board at not less than one
26 hundred fifty dollars (\$150) nor more than one thousand dollars
27 (\$1,000).

28 (c) The penalty fee for failure to renew a certificate within the
29 prescribed time shall be 50 percent of the renewal fee in effect on
30 the date of the renewal of the license, but not less than seventy-five
31 dollars (\$75) nor more than five hundred dollars (\$500).

32 (d) The fee to be paid upon the filing of an application for the
33 nurse-midwife equivalency examination shall be fixed by the board
34 at not less than one hundred dollars (\$100) nor more than two
35 hundred dollars (\$200).

36 (e) The fee to be paid for a temporary certificate shall be fixed
37 by the board at not less than one hundred fifty dollars (\$150) nor
38 more than five hundred dollars (\$500).

1 ~~SEC. 20.~~

2 *SEC. 19.* Section 2816 of the Business and Professions Code
3 is amended to read:

4 2816. The nonrefundable fee to be paid by a registered nurse
5 for an evaluation of his or her qualifications to use the title “public
6 health nurse” shall be equal to the fees set out in subdivision (o)
7 of Section 2815. The fee to be paid upon the application for
8 renewal of the certificate to practice as a public health nurse shall
9 be fixed by the board at not less than one hundred twenty-five
10 dollars (\$125) and not more than five hundred dollars (\$500). All
11 fees payable under this section shall be collected by and paid to
12 the Registered Nursing Fund. It is the intention of the Legislature
13 that the costs of carrying out the purposes of this article shall be
14 covered by the revenue collected pursuant to this section.

15 ~~SEC. 21.~~

16 *SEC. 20.* Section 2830.7 of the Business and Professions Code
17 is amended to read:

18 2830.7. The amount of the fees prescribed by this chapter in
19 connection with the issuance of certificates as nurse anesthetists
20 is that fixed by the following schedule:

21 (a) The fee to be paid upon the filing of an application for a
22 certificate shall be fixed by the board at not less than five hundred
23 dollars (\$500) nor more than one thousand five hundred dollars
24 (\$1,500).

25 (b) The biennial fee to be paid upon the application for a renewal
26 of a certificate shall be fixed by the board at not less than one
27 hundred fifty dollars (\$150) nor more than one thousand dollars
28 (\$1,000).

29 (c) The penalty fee for failure to renew a certificate within the
30 prescribed time shall be 50 percent of the renewal fee in effect on
31 the date of the renewal of the license, but not less than seventy-five
32 dollars (\$75) nor more than five hundred dollars (\$500).

33 (d) The fee to be paid for a temporary certificate shall be fixed
34 by the board at not less than one hundred fifty dollars (\$150) nor
35 more than five hundred dollars (\$500).

36 ~~SEC. 22.~~

37 *SEC. 21.* Section 2836.3 of the Business and Professions Code
38 is amended to read:

39 2836.3. (a) The furnishing of drugs or devices by nurse
40 practitioners is conditional on issuance by the board of a number

1 to the nurse applicant who has successfully completed the
2 requirements of subdivision (g) of Section 2836.1. The number
3 shall be included on all transmittals of orders for drugs or devices
4 by the nurse practitioner. The board shall make the list of numbers
5 issued available to the Board of Pharmacy. The board may charge
6 the applicant a fee to cover all necessary costs to implement this
7 section, that shall be not less than four hundred dollars (\$400) nor
8 more than one thousand five hundred dollars (\$1,500) for an initial
9 application, nor less than one hundred fifty dollars (\$150) nor more
10 than one thousand dollars (\$1,000) for an application for renewal.
11 The board may charge a penalty fee for failure to renew a
12 furnishing number within the prescribed time that shall be not less
13 than seventy-five dollars (\$75) nor more than five hundred dollars
14 (\$500).

15 (b) The number shall be renewable at the time of the applicant's
16 registered nurse license renewal.

17 (c) The board may revoke, suspend, or deny issuance of the
18 numbers for incompetence or gross negligence in the performance
19 of functions specified in Sections 2836.1 and 2836.2.

20 ~~SEC. 23:~~

21 *SEC. 22.* Section 2838.2 of the Business and Professions Code
22 is amended to read:

23 2838.2. (a) A clinical nurse specialist is a registered nurse with
24 advanced education, who participates in expert clinical practice,
25 education, research, consultation, and clinical leadership as the
26 major components of his or her role.

27 (b) The board may establish categories of clinical nurse
28 specialists and the standards required to be met for nurses to hold
29 themselves out as clinical nurse specialists in each category. The
30 standards shall take into account the types of advanced levels of
31 nursing practice that are or may be performed and the clinical and
32 didactic education, experience, or both needed to practice safety
33 at those levels. In setting the standards, the board shall consult
34 with clinical nurse specialists, physicians and surgeons appointed
35 by the Medical Board with expertise with clinical nurse specialists,
36 and health care organizations that utilize clinical nurse specialists.

37 (c) A registered nurse who meets one of the following
38 requirements may apply to become a clinical nurse specialist:

39 (1) Possession of a master's degree in a clinical field of nursing.

1 (2) Possession of a master's degree in a clinical field related to
2 nursing with course work in the components referred to in
3 subdivision (a).

4 (3) On or before July 1, 1998, meets the following requirements:

5 (A) Current licensure as a registered nurse.

6 (B) Performs the role of a clinical nurse specialist as described
7 in subdivision (a).

8 (C) Meets any other criteria established by the board.

9 (d) (1) A nonrefundable fee of not less than five hundred dollars
10 (\$500), but not to exceed one thousand five hundred dollars
11 (\$1,500) shall be paid by a registered nurse applying to be a clinical
12 nurse specialist for the evaluation of his or her qualifications to
13 use the title "clinical nurse specialist."

14 (2) The fee to be paid for a temporary certificate to practice as
15 a clinical nurse specialist shall be not less than thirty dollars (\$30)
16 nor more than fifty dollars (\$50).

17 (3) A biennial renewal fee shall be paid upon submission of an
18 application to renew the clinical nurse specialist certificate and
19 shall be established by the board at no less than one hundred fifty
20 dollars (\$150) and no more than one thousand dollars (\$1,000).

21 (4) The penalty fee for failure to renew a certificate within the
22 prescribed time shall be 50 percent of the renewal fee in effect on
23 the date of the renewal of the license, but not less than seventy-five
24 dollars (\$75) nor more than five hundred dollars (\$500).

25 (5) The fees authorized by this subdivision shall not exceed the
26 amount necessary to cover the costs to the board to administer this
27 section.

28 ~~SEC. 24.~~

29 *SEC. 23.* Section 4128.2 of the Business and Professions Code
30 is amended to read:

31 4128.2. (a) In addition to the pharmacy license requirement
32 described in Section 4110, a centralized hospital packaging
33 pharmacy shall obtain a specialty license from the board prior to
34 engaging in the functions described in Section 4128.

35 (b) An applicant seeking a specialty license pursuant to this
36 article shall apply to the board on forms established by the board.

37 (c) Before issuing the specialty license, the board shall inspect
38 the pharmacy and ensure that the pharmacy is in compliance with
39 this article and regulations established by the board.

1 (d) A license to perform the functions described in Section 4128
2 may only be issued to a pharmacy that is licensed by the board as
3 a hospital pharmacy.

4 (e) A license issued pursuant to this article shall be renewed
5 annually and is not transferrable.

6 (f) An applicant seeking renewal of a specialty license shall
7 apply to the board on forms established by the board.

8 (g) A license to perform the functions described in Section 4128
9 shall not be renewed until the pharmacy has been inspected by the
10 board and found to be in compliance with this article and
11 regulations established by the board.

12 ~~SEC. 25.~~

13 *SEC. 24.* Section 4400 of the Business and Professions Code
14 is amended to read:

15 4400. The amount of fees and penalties prescribed by this
16 chapter, except as otherwise provided, is that fixed by the board
17 according to the following schedule:

18 (a) The fee for a nongovernmental pharmacy license shall be
19 four hundred dollars (\$400) and may be increased to five hundred
20 twenty dollars (\$520). The fee for the issuance of a temporary
21 nongovernmental pharmacy permit shall be two hundred fifty
22 dollars (\$250) and may be increased to three hundred twenty-five
23 dollars (\$325).

24 (b) The fee for a nongovernmental pharmacy license annual
25 renewal shall be two hundred fifty dollars (\$250) and may be
26 increased to three hundred twenty-five dollars (\$325).

27 (c) The fee for the pharmacist application and examination shall
28 be two hundred dollars (\$200) and may be increased to two
29 hundred sixty dollars (\$260).

30 (d) The fee for regrading an examination shall be ninety dollars
31 (\$90) and may be increased to one hundred fifteen dollars (\$115).
32 If an error in grading is found and the applicant passes the
33 examination, the regrading fee shall be refunded.

34 (e) The fee for a pharmacist license and biennial renewal shall
35 be one hundred fifty dollars (\$150) and may be increased to one
36 hundred ninety-five dollars (\$195).

37 (f) The fee for a nongovernmental wholesaler or third-party
38 logistics provider license and annual renewal shall be seven
39 hundred eighty dollars (\$780) and may be decreased to no less
40 than six hundred dollars (\$600). The application fee for any

1 additional location after licensure of the first 20 locations shall be
2 three hundred dollars (\$300) and may be decreased to no less than
3 two hundred twenty-five dollars (\$225). A temporary license fee
4 shall be seven hundred fifteen dollars (\$715) and may be decreased
5 to no less than five hundred fifty dollars (\$550).

6 (g) The fee for a hypodermic license and renewal shall be one
7 hundred twenty-five dollars (\$125) and may be increased to one
8 hundred sixty-five dollars (\$165).

9 (h) (1) The fee for application, investigation, and issuance of
10 a license as a designated representative pursuant to Section 4053,
11 or as a designated representative-3PL pursuant to Section 4053.1,
12 shall be three hundred thirty dollars (\$330) and may be decreased
13 to no less than two hundred fifty-five dollars (\$255).

14 (2) The fee for the annual renewal of a license as a designated
15 representative or designated representative-3PL shall be one
16 hundred ninety-five dollars (\$195) and may be decreased to no
17 less than one hundred fifty dollars (\$150).

18 (i) (1) The fee for the application, investigation, and issuance
19 of a license as a designated representative for a veterinary
20 food-animal drug retailer pursuant to Section 4053 shall be three
21 hundred thirty dollars (\$330) and may be decreased to no less than
22 two hundred fifty-five dollars (\$255).

23 (2) The fee for the annual renewal of a license as a designated
24 representative for a veterinary food-animal drug retailer shall be
25 one hundred ninety-five dollars (\$195) and may be decreased to
26 no less than one hundred fifty dollars (\$150).

27 (j) (1) The application fee for a nonresident wholesaler or
28 third-party logistics provider license issued pursuant to Section
29 4161 shall be seven hundred eighty dollars (\$780) and may be
30 decreased to no less than six hundred dollars (\$600).

31 (2) For nonresident wholesalers or third-party logistics providers
32 that have 21 or more facilities operating nationwide the application
33 fees for the first 20 locations shall be seven hundred eighty dollars
34 (\$780) and may be decreased to no less than six hundred dollars
35 (\$600). The application fee for any additional location after
36 licensure of the first 20 locations shall be three hundred dollars
37 (\$300) and may be decreased to no less than two hundred
38 twenty-five dollars (\$225). A temporary license fee shall be seven
39 hundred fifteen dollars (\$715) and may be decreased to no less
40 than five hundred fifty dollars (\$550).

1 (3) The annual renewal fee for a nonresident wholesaler license
2 or third-party logistics provider license issued pursuant to Section
3 4161 shall be seven hundred eighty dollars (\$780) and may be
4 decreased to no less than six hundred dollars (\$600).

5 (k) The fee for evaluation of continuing education courses for
6 accreditation shall be set by the board at an amount not to exceed
7 forty dollars (\$40) per course hour.

8 (l) The fee for an intern pharmacist license shall be ninety dollars
9 (\$90) and may be increased to one hundred fifteen dollars (\$115).
10 The fee for transfer of intern hours or verification of licensure to
11 another state shall be twenty-five dollars (\$25) and may be
12 increased to thirty dollars (\$30).

13 (m) The board may waive or refund the additional fee for the
14 issuance of a license where the license is issued less than 45 days
15 before the next regular renewal date.

16 (n) The fee for the reissuance of any license, or renewal thereof,
17 that has been lost or destroyed or reissued due to a name change
18 shall be thirty-five dollars (\$35) and may be increased to forty-five
19 dollars (\$45).

20 (o) The fee for the reissuance of any license, or renewal thereof,
21 that must be reissued because of a change in the information, shall
22 be one hundred dollars (\$100) and may be increased to one hundred
23 thirty dollars (\$130).

24 (p) It is the intent of the Legislature that, in setting fees pursuant
25 to this section, the board shall seek to maintain a reserve in the
26 Pharmacy Board Contingent Fund equal to approximately one
27 year's operating expenditures.

28 (q) The fee for any applicant for a nongovernmental clinic
29 license shall be four hundred dollars (\$400) and may be increased
30 to five hundred twenty dollars (\$520) for each license. The annual
31 fee for renewal of the license shall be two hundred fifty dollars
32 (\$250) and may be increased to three hundred twenty-five dollars
33 (\$325) for each license.

34 (r) The fee for the issuance of a pharmacy technician license
35 shall be eighty dollars (\$80) and may be increased to one hundred
36 five dollars (\$105). The fee for renewal of a pharmacy technician
37 license shall be one hundred dollars (\$100) and may be increased
38 to one hundred thirty dollars (\$130).

39 (s) The fee for a veterinary food-animal drug retailer license
40 shall be four hundred five dollars (\$405) and may be increased to

1 four hundred twenty-five dollars (\$425). The annual renewal fee
2 for a veterinary food-animal drug retailer license shall be two
3 hundred fifty dollars (\$250) and may be increased to three hundred
4 twenty-five dollars (\$325).

5 (t) The fee for issuance of a retired license pursuant to Section
6 4200.5 shall be thirty-five dollars (\$35) and may be increased to
7 forty-five dollars (\$45).

8 (u) The fee for issuance or renewal of a nongovernmental sterile
9 compounding pharmacy license shall be six hundred dollars (\$600)
10 and may be increased to seven hundred eighty dollars (\$780). The
11 fee for a temporary license shall be five hundred fifty dollars (\$550)
12 and may be increased to seven hundred fifteen dollars (\$715).

13 (v) The fee for the issuance or renewal of a nonresident sterile
14 compounding pharmacy license shall be seven hundred eighty
15 dollars (\$780). In addition to paying that application fee, the
16 nonresident sterile compounding pharmacy shall deposit, when
17 submitting the application, a reasonable amount, as determined by
18 the board, necessary to cover the board's estimated cost of
19 performing the inspection required by Section 4127.2. If the
20 required deposit is not submitted with the application, the
21 application shall be deemed to be incomplete. If the actual cost of
22 the inspection exceeds the amount deposited, the board shall
23 provide to the applicant a written invoice for the remaining amount
24 and shall not take action on the application until the full amount
25 has been paid to the board. If the amount deposited exceeds the
26 amount of actual and necessary costs incurred, the board shall
27 remit the difference to the applicant.

28 (w) This section shall become inoperative on July 1, 2017, and
29 as of January 1, 2018, is repealed.

30 ~~SEC. 26.~~

31 *SEC. 25.* Section 4400 is added to the Business and Professions
32 Code, to read:

33 4400. The amount of fees and penalties prescribed by this
34 chapter, except as otherwise provided, is that fixed by the board
35 according to the following schedule:

36 (a) The fee for a nongovernmental pharmacy license shall be
37 five hundred twenty dollars (\$520) and may be increased to five
38 hundred seventy dollars (\$570). The fee for the issuance of a
39 temporary nongovernmental pharmacy permit shall be two hundred

1 fifty dollars (\$250) and may be increased to three hundred
2 twenty-five dollars (\$325).

3 (b) The fee for a nongovernmental pharmacy license annual
4 renewal shall be six hundred sixty-five dollars (\$665) and may be
5 increased to nine hundred thirty dollars (\$930).

6 (c) The fee for the pharmacist application and examination shall
7 be two hundred sixty dollars (\$260) and may be increased to two
8 hundred eighty-five dollars (\$285).

9 (d) The fee for regrading an examination shall be ninety dollars
10 (\$90) and may be increased to one hundred fifteen dollars (\$115).
11 If an error in grading is found and the applicant passes the
12 examination, the regrading fee shall be refunded.

13 (e) The fee for a pharmacist license shall be one hundred
14 ninety-five dollars (\$195) and may be increased to two hundred
15 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
16 shall be three hundred sixty dollars (\$360) and may be increased
17 to five hundred five dollars (\$505).

18 (f) The fee for a nongovernmental wholesaler or third-party
19 logistics provider license and annual renewal shall be seven
20 hundred eighty dollars (\$780) and may be increased to eight
21 hundred twenty dollars (\$820). The application fee for any
22 additional location after licensure of the first 20 locations shall be
23 three hundred dollars (\$300) and may be decreased to no less than
24 two hundred twenty-five dollars (\$225). A temporary license fee
25 shall be seven hundred fifteen dollars (\$715) and may be decreased
26 to no less than five hundred fifty dollars (\$550).

27 (g) The fee for a hypodermic license shall be one hundred
28 seventy dollars (\$170) and may be increased to two hundred forty
29 dollars (\$240). The fee for a hypodermic license renewal shall be
30 two hundred dollars (\$200) and may be increased to two hundred
31 eighty dollars (\$280).

32 (h) (1) The fee for application, investigation, and issuance of
33 a license as a designated representative pursuant to Section 4053,
34 or as a designated representative-3PL pursuant to Section 4053.1,
35 shall be one hundred fifty dollars (\$150) and may be increased to
36 two hundred ten dollars (\$210).

37 (2) The fee for the annual renewal of a license as a designated
38 representative or designated representative-3PL shall be two
39 hundred fifteen dollars (\$215) and may be increased to three
40 hundred dollars (\$300).

1 (i) (1) The fee for the application, investigation, and issuance
2 of a license as a designated representative for a veterinary
3 food-animal drug retailer pursuant to Section 4053 shall be one
4 hundred fifty dollars (\$150) and may be increased to two hundred
5 ten dollars (\$210).

6 (2) The fee for the annual renewal of a license as a designated
7 representative for a veterinary food-animal drug retailer shall be
8 two hundred fifteen dollars (\$215) and may be increased to three
9 hundred dollars (\$300).

10 (j) (1) The application fee for a nonresident wholesaler or
11 third-party logistics provider license issued pursuant to Section
12 4161 shall be seven hundred eighty dollars (\$780) and may be
13 increased to eight hundred twenty dollars (\$820).

14 (2) For nonresident wholesalers or third-party logistics providers
15 that have 21 or more facilities operating nationwide the application
16 fees for the first 20 locations shall be seven hundred eighty dollars
17 (\$780) and may be increased to eight hundred twenty dollars
18 (\$820). The application fee for any additional location after
19 licensure of the first 20 locations shall be three hundred dollars
20 (\$300) and may be decreased to no less than two hundred
21 twenty-five dollars (\$225). A temporary license fee shall be seven
22 hundred fifteen dollars (\$715) and may be decreased to no less
23 than five hundred fifty dollars (\$550).

24 (3) The annual renewal fee for a nonresident wholesaler license
25 or third-party logistics provider license issued pursuant to Section
26 4161 shall be seven hundred eighty dollars (\$780) and may be
27 increased to eight hundred twenty dollars (\$820).

28 (k) The fee for evaluation of continuing education courses for
29 accreditation shall be set by the board at an amount not to exceed
30 forty dollars (\$40) per course hour.

31 (l) The fee for an intern pharmacist license shall be one hundred
32 sixty-five dollars (\$165) and may be increased to two hundred
33 thirty dollars (\$230). The fee for transfer of intern hours or
34 verification of licensure to another state shall be twenty-five dollars
35 (\$25) and may be increased to thirty dollars (\$30).

36 (m) The board may waive or refund the additional fee for the
37 issuance of a license where the license is issued less than 45 days
38 before the next regular renewal date.

39 (n) The fee for the reissuance of any license, or renewal thereof,
40 that has been lost or destroyed or reissued due to a name change

1 shall be thirty-five dollars (\$35) and may be increased to forty-five
2 dollars (\$45).

3 (o) The fee for the reissuance of any license, or renewal thereof,
4 that must be reissued because of a change in the information, shall
5 be one hundred dollars (\$100) and may be increased to one hundred
6 thirty dollars (\$130).

7 (p) It is the intent of the Legislature that, in setting fees pursuant
8 to this section, the board shall seek to maintain a reserve in the
9 Pharmacy Board Contingent Fund equal to approximately one
10 year's operating expenditures.

11 (q) The fee for any applicant for a nongovernmental clinic
12 license shall be five hundred twenty dollars (\$520) for each license
13 and may be increased to five hundred seventy dollars (\$570). The
14 annual fee for renewal of the license shall be three hundred
15 twenty-five dollars (\$325) for each license and may be increased
16 to three hundred sixty dollars (\$360).

17 (r) The fee for the issuance of a pharmacy technician license
18 shall be one hundred forty dollars (\$140) and may be increased to
19 one hundred ninety-five dollars (\$195). The fee for renewal of a
20 pharmacy technician license shall be one hundred forty dollars
21 (\$140) and may be increased to one hundred ninety-five dollars
22 (\$195).

23 (s) The fee for a veterinary food-animal drug retailer license
24 shall be four hundred thirty-five dollars (\$435) and may be
25 increased to six hundred ten dollars (\$610). The annual renewal
26 fee for a veterinary food-animal drug retailer license shall be three
27 hundred thirty dollars (\$330) and may be increased to four hundred
28 sixty dollars (\$460).

29 (t) The fee for issuance of a retired license pursuant to Section
30 4200.5 shall be thirty-five dollars (\$35) and may be increased to
31 forty-five dollars (\$45).

32 (u) The fee for issuance of a nongovernmental sterile
33 compounding pharmacy license shall be one thousand six hundred
34 forty-five dollars (\$1,645) and may be increased to two thousand
35 three hundred five dollars (\$2,305). The fee for a temporary license
36 shall be five hundred fifty dollars (\$550) and may be increased to
37 seven hundred fifteen dollars (\$715). The annual renewal fee of
38 the license shall be one thousand three hundred twenty-five dollars
39 (\$1,325) and may be increased to one thousand eight hundred
40 fifty-five dollars (\$1,855).

1 (v) The fee for the issuance of a nonresident sterile compounding
2 pharmacy license shall be two thousand three hundred eighty
3 dollars (\$2,380) and may be increased to three thousand three
4 hundred thirty-five dollars (\$3,335). The annual renewal of the
5 license shall be two thousand two hundred seventy dollars (\$2,270)
6 and may be increased to three thousand one hundred eighty dollars
7 (\$3,180). In addition to paying that application fee, the nonresident
8 sterile compounding pharmacy shall deposit, when submitting the
9 application, a reasonable amount, as determined by the board,
10 necessary to cover the board's estimated cost of performing the
11 inspection required by Section 4127.2. If the required deposit is
12 not submitted with the application, the application shall be deemed
13 to be incomplete. If the actual cost of the inspection exceeds the
14 amount deposited, the board shall provide to the applicant a written
15 invoice for the remaining amount and shall not take action on the
16 application until the full amount has been paid to the board. If the
17 amount deposited exceeds the amount of actual and necessary
18 costs incurred, the board shall remit the difference to the applicant.

19 (w) The fee for the issuance of a centralized hospital packaging
20 license shall be eight hundred twenty dollars (\$820) and may be
21 increased to one thousand one hundred fifty dollars (\$1,150). The
22 annual renewal of the license shall be eight hundred five dollars
23 (\$805) and may be increased to one thousand one hundred
24 twenty-five dollars (\$1,125).

25 (x) This section shall become operative on July 1, 2017.

26 ~~SEC. 27. Chapter 15 (commencing with Section 4999) of~~
27 ~~Division 2 of the Business and Professions Code is repealed.~~

28 *SEC. 26. Section 4999 of the Business and Professions Code*
29 *is amended to read:*

30 4999. ~~(a) Any~~ "Telephone medical advice service" means any
31 business entity that employs, or contracts or subcontracts, directly
32 or indirectly, with, the full-time equivalent of five or more persons
33 functioning as health care professionals, whose primary function
34 is to provide telephone medical advice, that provides telephone
35 medical advice services to a patient at a California address shall
36 ~~be registered with the Telephone Medical Advice Services Bureau.~~

37 ~~(b) A~~ address. "Telephone medical advice service" does not
38 include a medical group that operates in multiple locations in
39 California ~~shall not be required to register pursuant to this section~~
40 if no more than five full-time equivalent persons at any one location

1 perform telephone medical advice services and those persons limit
2 the telephone medical advice services to patients being treated at
3 that location.

4 ~~(e) Protection of the public shall be the highest priority for the
5 bureau in exercising its registration, regulatory, and disciplinary
6 functions. Whenever the protection of the public is inconsistent
7 with other interests sought to be promoted, the protection of the
8 public shall be paramount.~~

9 *SEC. 27. Section 4999.1 of the Business and Professions Code*
10 *is repealed.*

11 ~~4999.1. Application for registration as a telephone medical
12 advice service shall be made on a form prescribed by the
13 department, accompanied by the fee prescribed pursuant to Section
14 4999.5. The department shall make application forms available.
15 Applications shall contain all of the following:~~

16 ~~(a) The signature of the individual owner of the telephone
17 medical advice service, or of all of the partners if the service is a
18 partnership, or of the president or secretary if the service is a
19 corporation. The signature shall be accompanied by a resolution
20 or other written communication identifying the individual whose
21 signature is on the form as owner, partner, president, or secretary.~~

22 ~~(b) The name under which the person applying for the telephone
23 medical advice service proposes to do business.~~

24 ~~(c) The physical address, mailing address, and telephone number
25 of the business entity.~~

26 ~~(d) The designation, including the name and physical address,
27 of an agent for service of process in California.~~

28 ~~(e) A list of all health care professionals providing medical
29 advice services that are required to be licensed, registered, or
30 certified pursuant to this chapter. This list shall be submitted to
31 the department on a form to be prescribed by the department and
32 shall include, but not be limited to, the name, state of licensure,
33 type of license, and license number.~~

34 ~~(f) The department shall be notified within 30 days of any
35 change of name, physical location, mailing address, or telephone
36 number of any business, owner, partner, corporate officer, or agent
37 for service of process in California, together with copies of all
38 resolutions or other written communications that substantiate these
39 changes.~~

1 SEC. 28. Section 4999.2 of the Business and Professions Code
2 is amended to read:

3 4999.2. (a) ~~In order to obtain and maintain a registration, a A~~
4 telephone medical advice service shall ~~comply be responsible for~~
5 ~~complying with the requirements established by the department.~~
6 ~~Those requirements shall include, but shall not be limited to, all~~
7 ~~of the following: following requirements:~~

8 ~~(1) (A)~~

9 (a) (1) Ensuring that all health care professionals who provide
10 medical advice services are appropriately licensed, certified, or
11 registered as a physician and surgeon pursuant to Chapter 5
12 (commencing with Section 2000) or the Osteopathic Initiative Act,
13 as a dentist, dental hygienist, dental hygienist in alternative
14 practice, or dental hygienist in extended functions pursuant to
15 Chapter 4 (commencing with Section 1600), as an occupational
16 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
17 as a registered nurse pursuant to Chapter 6 (commencing with
18 Section 2700), as a psychologist pursuant to Chapter 6.6
19 (commencing with Section 2900), as a naturopathic doctor pursuant
20 to Chapter 8.2 (commencing with Section 3610), as a marriage
21 and family therapist pursuant to Chapter 13 (commencing with
22 Section 4980), as a licensed clinical social worker pursuant to
23 Chapter 14 (commencing with Section 4991), as a licensed
24 professional clinical counselor pursuant to Chapter 16
25 (commencing with Section 4999.10), as an optometrist pursuant
26 to Chapter 7 (commencing with Section 3000), or as a chiropractor
27 pursuant to the Chiropractic Initiative Act, and operating consistent
28 with the laws governing their respective scopes of practice in the
29 state within which they provide telephone medical advice services,
30 except as provided in ~~paragraph (2). subdivision (b).~~

31 ~~(B)~~

32 (2) Ensuring that all health care professionals who provide
33 telephone medical advice services from an out-of-state location,
34 as identified in ~~subparagraph (A); paragraph (1),~~ are licensed,
35 registered, or certified in the state within which they are providing
36 the telephone medical advice services and are operating consistent
37 with the laws governing their respective scopes of practice.

38 ~~(2)~~

39 (b) Ensuring that the telephone medical advice provided is
40 consistent with good professional practice.

1 ~~(3)~~
2 (c) Maintaining records of telephone medical advice services,
3 including records of complaints, provided to patients in California
4 for a period of at least five years.

5 ~~(4)~~
6 (d) Ensuring that no staff member uses a title or designation
7 when speaking to an enrollee, subscriber, or consumer that may
8 cause a reasonable person to believe that the staff member is a
9 licensed, certified, or registered health care professional described
10 in ~~subparagraph (A) of paragraph (1); paragraph (1) of subdivision~~
11 ~~(a)~~, unless the staff member is a licensed, certified, or registered
12 professional.

13 ~~(5)~~
14 (e) Complying with all directions and requests for information
15 made by the department.

16 ~~(6)~~
17 (f) Notifying the department within 30 days of any change of
18 name, physical location, mailing address, or telephone number of
19 any business, owner, partner, corporate officer, or agent for service
20 of process in California, together with copies of all resolutions or
21 other written communications that substantiate these changes.

22 ~~(7) Submitting quarterly reports, on a form prescribed by the~~
23 ~~department, to the department within 30 days of the end of each~~
24 ~~calendar quarter.~~

25 ~~(b) To the extent permitted by Article VII of the California~~
26 ~~Constitution, the department may contract with a private nonprofit~~
27 ~~accrediting agency to evaluate the qualifications of applicants for~~
28 ~~registration pursuant to this chapter and to make recommendations~~
29 ~~to the department.~~

30 ~~SEC. 29. Section 4999.3 of the Business and Professions Code~~
31 ~~is repealed.~~

32 ~~4999.3. (a) The department may suspend, revoke, or otherwise~~
33 ~~discipline a registrant or deny an application for registration as a~~
34 ~~telephone medical advice service based on any of the following:~~

35 ~~(1) Incompetence, gross negligence, or repeated similar~~
36 ~~negligent acts performed by the registrant or any employee of the~~
37 ~~registrant.~~

38 ~~(2) An act of dishonesty or fraud by the registrant or any~~
39 ~~employee of the registrant.~~

1 ~~(3) The commission of any act, or being convicted of a crime,~~
2 ~~that constitutes grounds for denial or revocation of licensure~~
3 ~~pursuant to any provision of this division.~~

4 ~~(b) The proceedings shall be conducted in accordance with~~
5 ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division~~
6 ~~3 of Title 2 of the Government Code, and the department shall~~
7 ~~have all powers granted therein.~~

8 ~~(c) Copies of any complaint against a telephone medical advice~~
9 ~~service shall be forwarded to the Department of Managed Health~~
10 ~~Care.~~

11 ~~(d) The department shall forward a copy of any complaint~~
12 ~~submitted to the department pursuant to this chapter to the entity~~
13 ~~that issued the license to the licensee involved in the advice~~
14 ~~provided to the patient.~~

15 ~~SEC. 30. Section 4999.4 of the Business and Professions Code~~
16 ~~is repealed.~~

17 ~~4999.4. (a) Every registration issued to a telephone medical~~
18 ~~advice service shall expire 24 months after the initial date of~~
19 ~~issuance.~~

20 ~~(b) To renew an unexpired registration, the registrant shall,~~
21 ~~before the time at which the registration would otherwise expire,~~
22 ~~pay the renewal fee authorized by Section 4999.5.~~

23 ~~(c) An expired registration may be renewed at any time within~~
24 ~~three years after its expiration upon the filing of an application for~~
25 ~~renewal on a form prescribed by the bureau and the payment of~~
26 ~~all fees authorized by Section 4999.5. A registration that is not~~
27 ~~renewed within three years following its expiration shall not be~~
28 ~~renewed, restored, or reinstated thereafter, and the delinquent~~
29 ~~registration shall be canceled immediately upon expiration of the~~
30 ~~three-year period.~~

31 ~~SEC. 31. Section 4999.5 of the Business and Professions Code~~
32 ~~is repealed.~~

33 ~~4999.5. The department may set fees for registration and~~
34 ~~renewal as a telephone medical advice service sufficient to pay~~
35 ~~the costs of administration of this chapter.~~

36 ~~SEC. 32. Section 4999.5 is added to the Business and~~
37 ~~Professions Code, to read:~~

38 ~~4999.5. The respective healing arts licensing boards shall be~~
39 ~~responsible for enforcing this chapter and any other laws and~~

1 *regulations affecting California licensed health care professionals*
2 *providing telephone medical advice services.*

3 *SEC. 33. Section 4999.6 of the Business and Professions Code*
4 *is repealed.*

5 ~~4999.6. The department may adopt, amend, or repeal any rules~~
6 ~~and regulations that are reasonably necessary to carry out this~~
7 ~~chapter. A telephone medical advice services provider who~~
8 ~~provides telephone medical advice to a significant total number~~
9 ~~of charity or medically indigent patients may, at the discretion of~~
10 ~~the director, be exempt from the fee requirements imposed by this~~
11 ~~chapter. However, those providers shall comply with all other~~
12 ~~provisions of this chapter.~~

13 ~~SEC. 28.~~

14 *SEC. 34. Section 7137 of the Business and Professions Code*
15 *is amended to read:*

16 7137. The board shall set fees by regulation. These fees shall
17 not exceed the following schedule:

18 (a) (1) The application fee for an original license in a single
19 classification shall not be more than three hundred sixty dollars
20 (\$360).

21 (2) The application fee for each additional classification applied
22 for in connection with an original license shall not be more than
23 seventy-five dollars (\$75).

24 (3) The application fee for each additional classification pursuant
25 to Section 7059 shall not be more than three hundred dollars
26 (\$300).

27 (4) The application fee to replace a responsible managing officer,
28 responsible managing manager, responsible managing member,
29 or responsible managing employee pursuant to Section 7068.2
30 shall not be more than three hundred dollars (\$300).

31 (5) The application fee to add personnel, other than a qualifying
32 individual, to an existing license shall not be more than one
33 hundred fifty dollars (\$150).

34 (b) The fee for rescheduling an examination for an applicant
35 who has applied for an original license, additional classification,
36 a change of responsible managing officer, responsible managing
37 manager, responsible managing member, or responsible managing
38 employee, or for an asbestos certification or hazardous substance
39 removal certification, shall not be more than sixty dollars (\$60).

1 (c) The fee for scheduling or rescheduling an examination for
2 a licensee who is required to take the examination as a condition
3 of probation shall not be more than sixty dollars (\$60).

4 (d) The initial license fee for an active or inactive license shall
5 not be more than two hundred twenty dollars (\$220).

6 (e) (1) The renewal fee for an active license shall not be more
7 than four hundred thirty dollars (\$430).

8 (2) The renewal fee for an inactive license shall not be more
9 than two hundred twenty dollars (\$220).

10 (f) The delinquency fee is an amount equal to 50 percent of the
11 renewal fee, if the license is renewed after its expiration.

12 (g) The registration fee for a home improvement salesperson
13 shall not be more than ninety dollars (\$90).

14 (h) The renewal fee for a home improvement salesperson
15 registration shall not be more than ninety dollars (\$90).

16 (i) The application fee for an asbestos certification examination
17 shall not be more than ninety dollars (\$90).

18 (j) The application fee for a hazardous substance removal or
19 remedial action certification examination shall not be more than
20 ninety dollars (\$90).

21 (k) In addition to any other fees charged to C-10 and C-7
22 contractors, the board may charge a fee not to exceed twenty dollars
23 (\$20), which shall be used by the board to enforce provisions of
24 the Labor Code related to electrician certification.

25 (l) The board shall, by regulation, establish criteria for the
26 approval of expedited processing of applications. Approved
27 expedited processing of applications for licensure or registration,
28 as required by other provisions of law, shall not be subject to this
29 subdivision.

30 ~~SEC. 29.~~

31 *SEC. 35.* Section 7153.3 of the Business and Professions Code
32 is amended to read:

33 7153.3. (a) To renew a home improvement salesperson
34 registration, which has not expired, the registrant shall before the
35 time at which the registration would otherwise expire, apply for
36 renewal on a form prescribed by the registrar and pay a renewal
37 fee prescribed by this chapter. Renewal of an unexpired registration
38 shall continue the registration in effect for the two-year period
39 following the expiration date of the registration, when it shall
40 expire if it is not again renewed.

1 (b) An application for renewal of registration is delinquent if
2 the application is not postmarked or received via electronic
3 transmission as authorized by Section 7156.6 by the date on which
4 the registration would otherwise expire. A registration may,
5 however, still be renewed at any time within three years after its
6 expiration upon the filing of an application for renewal on a form
7 prescribed by the registrar and the payment of the renewal fee
8 prescribed by this chapter and a delinquent renewal penalty equal
9 to 50 percent of the renewal fee. If a registration is not renewed
10 within three years, the person shall make a new application for
11 registration pursuant to Section 7153.1.

12 (c) The registrar may refuse to renew a registration for failure
13 by the registrant to complete the application for renewal of
14 registration. If a registrant fails to return the application rejected
15 for insufficiency or incompleteness within 90 days from the
16 original date of rejection, the application and fee shall be deemed
17 abandoned. Any application abandoned may not be reinstated.
18 However, the person may file a new application for registration
19 pursuant to Section 7153.1.

20 The registrar may review and accept the petition of a person who
21 disputes the abandonment of his or her renewal application upon
22 a showing of good cause. This petition shall be received within 90
23 days of the date the application for renewal is deemed abandoned.

24 ~~SEC. 30.~~

25 *SEC. 36.* Section 8031 of the Business and Professions Code
26 is amended to read:

27 8031. The amount of the fees required by this chapter is that
28 fixed by the board in accordance with the following schedule:

29 (a) The fee for filing an application for each examination shall
30 be no more than forty dollars (\$40).

31 (b) The fee for examination and reexamination for the written
32 or practical part of the examination shall be in an amount fixed by
33 the board, which shall be equal to the actual cost of preparing,
34 administering, grading, and analyzing the examination, but shall
35 not exceed seventy-five dollars (\$75) for each separate part, for
36 each administration.

37 (c) The initial certificate fee is an amount equal to the renewal
38 fee in effect on the last regular renewal date before the date on
39 which the certificate is issued, except that, if the certificate will
40 expire less than 180 days after its issuance, then the fee is 50

1 percent of the renewal fee in effect on the last regular renewal date
2 before the date on which the certificate is issued, or fifty dollars
3 (\$50), whichever is greater. The board may, by appropriate
4 regulation, provide for the waiver or refund of the initial certificate
5 fee where the certificate is issued less than 45 days before the date
6 on which it will expire.

7 (d) By a resolution adopted by the board, a renewal fee may be
8 established in such amounts and at such times as the board may
9 deem appropriate to meet its operational expenses and funding
10 responsibilities as set forth in this chapter. The renewal fee shall
11 not be more than two hundred fifty dollars (\$250) nor less than
12 ten dollars (\$10) annually, with the following exception:

13 Any person who is employed full time by the State of California
14 as a hearing reporter and who does not otherwise render shorthand
15 reporting services for a fee shall be exempt from licensure while
16 in state employment and shall not be subject to the renewal fee
17 provisions of this subdivision until 30 days after leaving state
18 employment. The renewal fee shall, in addition to the amount fixed
19 by this subdivision, include any unpaid fees required by this section
20 plus any delinquency fee.

21 (e) The duplicate certificate fee shall be no greater than ten
22 dollars (\$10).

23 (f) The penalty for failure to notify the board of a change of
24 name or address as required by Section 8024.6 shall be no greater
25 than fifty dollars (\$50).

26 ~~SEC. 31:~~

27 *SEC. 37.* Section 8516 of the Business and Professions Code
28 is amended to read:

29 8516. (a) This section, and Section 8519, apply only to wood
30 destroying pests or organisms.

31 (b) A registered company or licensee shall not commence work
32 on a contract, or sign, issue, or deliver any documents expressing
33 an opinion or statement relating to the absence or presence of wood
34 destroying pests or organisms until an inspection has been made
35 by a licensed Branch 3 field representative or operator employed
36 by a registered company, except as provided in Section 8519.5.
37 The address of each property inspected or upon which work is
38 completed shall be reported on a form prescribed by the board and
39 shall be filed with the board no later than 10 business days after
40 the commencement of an inspection or upon completed work.

1 Every property inspected pursuant to this subdivision or Section
2 8518 shall be assessed a filing fee pursuant to Section 8674.

3 Failure of a registered company to report and file with the board
4 the address of any property inspected or work completed pursuant
5 to Section 8518 or this section is grounds for disciplinary action
6 and shall subject the registered company to a fine of not more than
7 two thousand five hundred dollars (\$2,500). The address of an
8 inspection report prepared for use by an attorney for litigation
9 purposes shall not be required to be reported to the board and shall
10 not be assessed a filing fee.

11 A written inspection report conforming to this section and a form
12 approved by the board shall be prepared and delivered to the person
13 requesting the inspection and the property owner, or to the property
14 owner's designated agent, within 10 business days from the start
15 of the inspection, except that an inspection report prepared for use
16 by an attorney for litigation purposes is not required to be reported
17 to the board or the property owner. An inspection report may be
18 a complete, limited, supplemental, or reinspection report, as defined
19 by Section 1993 of Title 16 of the California Code of Regulations.
20 The report shall be delivered before work is commenced on any
21 property. The registered company shall retain for three years all
22 inspection reports, field notes, and activity forms.

23 Reports shall be made available for inspection and reproduction
24 to the executive officer of the board or his or her duly authorized
25 representative during business hours. All inspection reports or
26 copies thereof shall be submitted to the board upon demand within
27 two business days. The following shall be set forth in the report:

28 (1) The start date of the inspection and the name of the licensed
29 field representative or operator making the inspection.

30 (2) The name and address of the person or firm ordering the
31 report.

32 (3) The name and address of the property owner and any person
33 who is a party in interest.

34 (4) The address or location of the property.

35 (5) A general description of the building or premises inspected.

36 (6) A foundation diagram or sketch of the structure or structures
37 or portions of the structure or structures inspected, including the
38 approximate location of any infested or infected areas evident, and
39 the parts of the structure where conditions that would ordinarily
40 subject those parts to attack by wood destroying pests or organisms

1 exist. Reporting of the infested or infected wood members, or parts
2 of the structure identified, shall be listed in the inspection report
3 to clearly identify them, as is typical in standard construction
4 components, including, but not limited to, siding, studs, rafters,
5 floor joists, fascia, subfloor, sheathing, and trim boards.

6 (7) Information regarding the substructure, foundation walls
7 and footings, porches, patios and steps, air vents, abutments, attic
8 spaces, roof framing that includes the eaves, rafters, fascias,
9 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
10 or other parts subject to attack by wood destroying pests or
11 organisms. Conditions usually deemed likely to lead to infestation
12 or infection, such as earth-wood contacts, excessive cellulose
13 debris, faulty grade levels, excessive moisture conditions, evidence
14 of roof leaks, and insufficient ventilation are to be reported.

15 (8) One of the following statements, as appropriate, printed in
16 bold type:

17 (A) The exterior surface of the roof was not inspected. If you
18 want the water tightness of the roof determined, you should contact
19 a roofing contractor who is licensed by the Contractors' State
20 License Board.

21 (B) The exterior surface of the roof was inspected to determine
22 whether or not wood destroying pests or organisms are present.

23 (9) Indication or description of any areas that are inaccessible
24 or not inspected with recommendation for further inspection if
25 practicable. If, after the report has been made in compliance with
26 this section, authority is given later to open inaccessible areas, a
27 supplemental report on conditions in these areas shall be made.

28 (10) Recommendations for corrective measures.

29 (11) Information regarding the pesticide or pesticides to be used
30 for their control or prevention as set forth in subdivision (a) of
31 Section 8538.

32 (12) The inspection report shall clearly disclose that if requested
33 by the person ordering the original report, a reinspection of the
34 structure will be performed if an estimate or bid for making repairs
35 was given with the original inspection report, or thereafter.

36 An estimate or bid shall be given separately allocating the costs
37 to perform each and every recommendation for corrective measures
38 as specified in subdivision (c) with the original inspection report
39 if the person who ordered the original inspection report so requests,

1 and if the registered company is regularly in the business of
2 performing each corrective measure.

3 If no estimate or bid was given with the original inspection
4 report, or thereafter, then the registered company shall not be
5 required to perform a reinspection.

6 A reinspection shall be an inspection of those items previously
7 listed on an original report to determine if the recommendations
8 have been completed. Each reinspection shall be reported on an
9 original inspection report form and shall be labeled "Reinspection."
10 Each reinspection shall also identify the original report by date.

11 After four months from an original inspection, all inspections
12 shall be original inspections and not reinspections.

13 Any reinspection shall be performed for not more than the price
14 of the registered company's original inspection price and shall be
15 completed within 10 business days after a reinspection has been
16 ordered.

17 (13) The inspection report shall contain the following statement,
18 printed in boldface type:

19
20 "NOTICE: Reports on this structure prepared by various
21 registered companies should list the same findings (i.e. termite
22 infestations, termite damage, fungus damage, etc.). However,
23 recommendations to correct these findings may vary from company
24 to company. You have a right to seek a second opinion from
25 another company."
26

27 (c) At the time a report is ordered, the registered company or
28 licensee shall inform the person or entity ordering the report, that
29 a separate report is available pursuant to this subdivision. If a
30 separate report is requested at the time the inspection report is
31 ordered, the registered company or licensee shall separately identify
32 on the report each recommendation for corrective measures as
33 follows:

- 34 (1) The infestation or infection that is evident.
35 (2) The conditions that are present that are deemed likely to
36 lead to infestation or infection.

37 If a registered company or licensee fails to inform as required
38 by this subdivision and a dispute arises, or if any other dispute
39 arises as to whether this subdivision has been complied with, a
40 separate report shall be provided within 24 hours of the request

1 but, in no event, later than the next business day, and at no
2 additional cost.

3 (d) When a corrective condition is identified, either as paragraph
4 (1) or (2) of subdivision (c), and the property owner or the property
5 owner's designated agent chooses not to correct those conditions,
6 the registered company or licensee shall not be liable for damages
7 resulting from a failure to correct those conditions or subject to
8 any disciplinary action by the board. Nothing in this subdivision,
9 however, shall relieve a registered company or a licensee of any
10 liability resulting from negligence, fraud, dishonest dealing, other
11 violations pursuant to this chapter, or contractual obligations
12 between the registered company or licensee and the responsible
13 parties.

14 (e) The inspection report form prescribed by the board shall
15 separately identify the infestation or infection that is evident and
16 the conditions that are present that are deemed likely to lead to
17 infestation or infection. If a separate form is requested, the form
18 shall explain the infestation or infection that is evident and the
19 conditions that are present that are deemed likely to lead to
20 infestation or infection and the difference between those conditions.
21 In no event, however, shall conditions deemed likely to lead to
22 infestation or infection be characterized as actual "defects" or as
23 actual "active" infestations or infections or in need of correction
24 as a precondition to issuing a certification pursuant to Section
25 8519.

26 (f) The report and any contract entered into shall also state
27 specifically when any guarantee for the work is made, and if so,
28 the specific terms of the guarantee and the period of time for which
29 the guarantee shall be in effect. If a guarantee extends beyond three
30 years, the registered company shall maintain all original inspection
31 reports, field notes, activity forms, and notices of completion for
32 the duration of the guarantee period and for one year after the
33 guarantee expires.

34 (g) For purposes of this section, "control service agreement"
35 means an agreement, including extended warranties, to have a
36 licensee conduct over a period of time regular inspections and
37 other activities related to the control or eradication of wood
38 destroying pests and organisms. Under a control service agreement
39 a registered company shall refer to the original report and contract
40 in a manner as to identify them clearly, and the report shall be

1 assumed to be a true report of conditions as originally issued,
2 except it may be modified after a control service inspection. A
3 registered company is not required to issue a report as outlined in
4 paragraphs (1) to (11), inclusive, of subdivision (b) after each
5 control service inspection. If after control service inspection, no
6 modification of the original report is made in writing, then it will
7 be assumed that conditions are as originally reported. A control
8 service contract shall state specifically the particular wood
9 destroying pests or organisms and the portions of the buildings or
10 structures covered by the contract.

11 (h) A registered company or licensee may enter into and
12 maintain a control service agreement provided the following
13 requirements are met:

14 (1) The control service agreement shall be in writing, signed by
15 both parties, and shall specifically include the following:

16 (A) The wood destroying pests and organisms covered by the
17 control service agreement.

18 (B) Any wood destroying pest or organism that is not covered
19 must be specifically listed.

20 (C) The type and manner of treatment to be used to correct the
21 infestations or infections.

22 (D) The structures or buildings, or portions thereof, covered by
23 the agreement, including a statement specifying whether the
24 coverage for purposes of periodic inspections is limited or full.
25 Any exclusions from those described in the original report must
26 be specifically listed.

27 (E) A reference to the original inspection report.

28 (F) The frequency of the inspections to be provided, the fee to
29 be charged for each renewal, and the duration of the agreement.

30 (G) Whether the fee includes structural repairs.

31 (H) If the services provided are guaranteed, and, if so, the terms
32 of the guarantee.

33 (I) A statement that all corrections of infestations or infections
34 covered by the control service agreement shall be completed within
35 six months of discovery, unless otherwise agreed to in writing by
36 both parties.

37 (2) The original inspection report, the control service agreement,
38 and completion report shall be maintained for three years after the
39 cancellation of the control service agreement.

1 (3) Inspections made pursuant to a control service agreement
2 shall be conducted by a Branch 3 licensee. Section 8506.1 does
3 not modify this provision.

4 (4) A full inspection of the property covered by the control
5 service agreement shall be conducted and a report filed pursuant
6 to subdivision (b) at least once every three years from the date that
7 the agreement was entered into, unless the consumer cancels the
8 contract within three years from the date the agreement was entered
9 into.

10 (5) Under a control service agreement, a written report shall be
11 required for the correction of any infestation or infection unless
12 all of the following conditions are met:

13 (A) The infestation or infection has been previously reported.

14 (B) The infestation or infection is covered by the control service
15 agreement.

16 (C) There is no additional charge for correcting the infestation
17 or infection.

18 (D) Correction of the infestation or infection takes place within
19 45 days of its discovery.

20 (E) Correction of the infestation or infection does not include
21 fumigation.

22 (6) All notice requirements pursuant to Section 8538 shall apply
23 to all pesticide treatments conducted under control service
24 agreements.

25 (i) All work recommended by a registered company, where an
26 estimate or bid for making repairs was given with the original
27 inspection report, or thereafter, shall be recorded on this report or
28 a separate work agreement and shall specify a price for each
29 recommendation. This information shall be provided to the person
30 requesting the inspection, and shall be retained by the registered
31 company with the inspection report copy for three years.

32 ~~SEC. 32.~~

33 *SEC. 38.* Section 8518 of the Business and Professions Code
34 is amended to read:

35 8518. (a) When a registered company completes work under
36 a contract, it shall prepare, on a form prescribed by the board, a
37 notice of work completed and not completed, and shall furnish
38 that notice to the owner of the property or the owner's agent within
39 10 business days after completing the work. The notice shall

1 include a statement of the cost of the completed work and estimated
2 cost of work not completed.

3 (b) The address of each property inspected or upon which work
4 was completed shall be reported on a form prescribed by the board
5 and shall be filed with the board no later than 10 business days
6 after completed work.

7 (c) A filing fee shall be assessed pursuant to Section 8674 for
8 every property upon which work is completed.

9 (d) Failure of a registered company to report and file with the
10 board the address of any property upon which work was completed
11 pursuant to subdivision (b) of Section 8516 or this section is
12 grounds for disciplinary action and shall subject the registered
13 company to a fine of not more than two thousand five hundred
14 dollars (\$2,500).

15 (e) The registered company shall retain for three years all
16 original notices of work completed, work not completed, and
17 activity forms.

18 (f) Notices of work completed and not completed shall be made
19 available for inspection and reproduction to the executive officer
20 of the board or his or her duly authorized representative during
21 business hours. Original notices of work completed or not
22 completed or copies thereof shall be submitted to the board upon
23 request within two business days.

24 (g) This section shall only apply to work relating to wood
25 destroying pests or organisms.

26 ~~SEC. 33. Section 1348.8 of the Health and Safety Code is~~
27 ~~repealed.~~

28 ~~SEC. 34. Section 10279 of the Insurance Code is repealed.~~

29 *SEC. 39. Section 1348.8 of the Health and Safety Code is*
30 *amended to read:*

31 1348.8. (a) A health care service plan that provides, operates,
32 or contracts for telephone medical advice services to its enrollees
33 and subscribers shall do all of the following:

34 (1) Ensure that the in-state or out-of-state telephone medical
35 advice service ~~is registered pursuant to~~ *complies with the*
36 *requirements of* Chapter 15 (commencing with Section 4999) of
37 Division 2 of the Business and Professions Code.

38 (2) Ensure that the staff providing telephone medical advice
39 services for the in-state or out-of-state telephone medical advice
40 service are licensed as follows:

1 (A) For full service health care service plans, the staff hold a
2 valid California license as a registered nurse or a valid license in
3 the state within which they provide telephone medical advice
4 services as a physician and surgeon or physician assistant, and are
5 operating in compliance with the laws governing their respective
6 scopes of practice.

7 (B) (i) For specialized health care service plans providing,
8 operating, or contracting with a telephone medical advice service
9 in California, the staff shall be appropriately licensed, registered,
10 or certified as a dentist pursuant to Chapter 4 (commencing with
11 Section 1600) of Division 2 of the Business and Professions Code,
12 as a dental hygienist pursuant to Article 7 (commencing with
13 Section 1740) of Chapter 4 of Division 2 of the Business and
14 Professions Code, as a physician and surgeon pursuant to Chapter
15 5 (commencing with Section 2000) of Division 2 of the Business
16 and Professions Code or the Osteopathic Initiative Act, as a
17 registered nurse pursuant to Chapter 6 (commencing with Section
18 2700) of Division 2 of the Business and Professions Code, as a
19 psychologist pursuant to Chapter 6.6 (commencing with Section
20 2900) of Division 2 of the Business and Professions Code, as an
21 optometrist pursuant to Chapter 7 (commencing with Section 3000)
22 of Division 2 of the Business and Professions Code, as a marriage
23 and family therapist pursuant to Chapter 13 (commencing with
24 Section 4980) of Division 2 of the Business and Professions Code,
25 as a licensed clinical social worker pursuant to Chapter 14
26 (commencing with Section 4991) of Division 2 of the Business
27 and Professions Code, as a professional clinical counselor pursuant
28 to Chapter 16 (commencing with Section 4999.10) of Division 2
29 of the Business and Professions Code, or as a chiropractor pursuant
30 to the Chiropractic Initiative Act, and operating in compliance
31 with the laws governing their respective scopes of practice.

32 (ii) For specialized health care service plans providing,
33 operating, or contracting with an out-of-state telephone medical
34 advice service, the staff shall be health care professionals, as
35 identified in clause (i), who are licensed, registered, or certified
36 in the state within which they are providing the telephone medical
37 advice services and are operating in compliance with the laws
38 governing their respective scopes of practice. All registered nurses
39 providing telephone medical advice services to both in-state and
40 out-of-state business entities registered pursuant to this chapter

1 shall be licensed pursuant to Chapter 6 (commencing with Section
2 2700) of Division 2 of the Business and Professions Code.

3 (3) Ensure that every full service health care service plan
4 provides for a physician and surgeon who is available on an on-call
5 basis at all times the service is advertised to be available to
6 enrollees and subscribers.

7 (4) Ensure that staff members handling enrollee or subscriber
8 calls, who are not licensed, certified, or registered as required by
9 paragraph (2), do not provide telephone medical advice. Those
10 staff members may ask questions on behalf of a staff member who
11 is licensed, certified, or registered as required by paragraph (2),
12 in order to help ascertain the condition of an enrollee or subscriber
13 so that the enrollee or subscriber can be referred to licensed staff.
14 However, under no circumstances shall those staff members use
15 the answers to those questions in an attempt to assess, evaluate,
16 advise, or make any decision regarding the condition of an enrollee
17 or subscriber or determine when an enrollee or subscriber needs
18 to be seen by a licensed medical professional.

19 (5) Ensure that no staff member uses a title or designation when
20 speaking to an enrollee or subscriber that may cause a reasonable
21 person to believe that the staff member is a licensed, certified, or
22 registered professional described in Section 4999.2 of the Business
23 and Professions Code unless the staff member is a licensed,
24 certified, or registered professional.

25 (6) Ensure that the in-state or out-of-state telephone medical
26 advice service designates an agent for service of process in
27 California and files this designation with the director.

28 (7) Requires that the in-state or out-of-state telephone medical
29 advice service makes and maintains records for a period of five
30 years after the telephone medical advice services are provided,
31 including, but not limited to, oral or written transcripts of all
32 medical advice conversations with the health care service plan's
33 enrollees or subscribers in California and copies of all complaints.
34 If the records of telephone medical advice services are kept out of
35 state, the health care service plan shall, upon the request of the
36 director, provide the records to the director within 10 days of the
37 request.

38 (8) Ensure that the telephone medical advice services are
39 provided consistent with good professional practice.

1 (b) The director shall forward to the Department of Consumer
2 Affairs, within 30 days of the end of each calendar quarter, data
3 regarding complaints filed with the department concerning
4 telephone medical advice services.

5 (c) For purposes of this section, “telephone medical advice”
6 means a telephonic communication between a patient and a health
7 care professional in which the health care professional’s primary
8 function is to provide to the patient a telephonic response to the
9 patient’s questions regarding his or her or a family member’s
10 medical care or treatment. “Telephone medical advice” includes
11 assessment, evaluation, or advice provided to patients or their
12 family members.

13 *SEC. 40. Section 10279 of the Insurance Code is amended to*
14 *read:*

15 10279. (a) Every disability insurer that provides group or
16 individual policies of disability, or both, that provides, operates,
17 or contracts for, telephone medical advice services to its insureds
18 shall do all of the following:

19 (1) Ensure that the in-state or out-of-state telephone medical
20 advice service ~~is registered pursuant to~~ *complies with the*
21 *requirements of Chapter 15 (commencing with Section 4999) of*
22 *Division 2 of the Business and Professions Code.*

23 (2) Ensure that the staff providing telephone medical advice
24 services for the in-state or out-of-state telephone medical advice
25 service hold a valid California license as a registered nurse or a
26 valid license in the state within which they provide telephone
27 medical advice services as a physician and surgeon or physician
28 assistant and are operating consistent with the laws governing their
29 respective scopes of practice.

30 (3) Ensure that a physician and surgeon is available on an on-call
31 basis at all times the service is advertised to be available to
32 enrollees and subscribers.

33 (4) Ensure that the in-state or out-of-state telephone medical
34 advice service designates an agent for service of process in
35 California and files this designation with the commissioner.

36 (5) Require that the in-state or out-of-state telephone medical
37 advice service makes and maintains records for a period of five
38 years after the telephone medical advice services are provided,
39 including, but not limited to, oral or written transcripts of all
40 medical advice conversations with the disability insurer’s insureds

1 in California and copies of all complaints. If the records of
2 telephone medical advice services are kept out of state, the insurer
3 shall, upon the request of the director, provide the records to the
4 director within 10 days of the request.

5 (6) Ensure that the telephone medical advice services are
6 provided consistent with good professional practice.

7 (b) The commissioner shall forward to the Department of
8 Consumer Affairs, within 30 days of the end of each calendar
9 quarter, data regarding complaints filed with the department
10 concerning telephone medical advice services.

11 ~~SEC. 35.~~

12 *SEC. 41.* No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.