



**LEGISLATIVE COMMITTEE
SEPTEMBER 9, 2016**

SUBJECT: LEGISLATIVE PROGRAM REPORT

ACTION: RECEIVE AND FILE

5E

RECOMMENDATION

Committee Members:
Kristina Dixon, Chair
Michael Zapf

Receive the status update report regarding Legislative Matters

ISSUE

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

A. LEGISLATIVE OUTREACH

As part of the legislation and regulations objectives outlined in BPM's current Strategic Plan, BPM has been meeting with the staff of legislators at the Capitol. Once this Committee meets and provides guidance, additional appointments will be scheduled accordingly for the September 9, 2016 and December 2, 2016 Board Meetings in Sacramento.

B. LEGISLATION UPDATE – 2015 - 2016

The Legislature returned from summer break on August 1, 2016 and will finalize this legislative cycle during the month of August. The final legislative report to the Board on September 9, 2016 will reflect the status of legislation impacting the Board during this legislative cycle.

AB 2193 (Salas) Professions and Vocations

Location: Senate Amendments concurred in. To Engrossing and Enrolling 8-19-16
This bill extends the operation of the Board of Podiatric Medicine January 1, 2017, to January 1, 2021. Board voted to support AB 2193 on June 3, 2016.

SB 482 (Lara) Controlled substances: CURES database

Location: Read third time. Passed. Ordered to the Senate. 8-24-16
This bill would require prescribers to consult the CURES prescription drug database prior to issuing an initial prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, and every four months if the patient continues using the medication as part of his or her treatment. The bill's provisions would not become operative until six months after the Department of Justice certifies that the CURES

database is ready for statewide use. Recent amendments allow practitioners the ability to provide patients with a copy of their CURES activity report, and to keep a copy in the patient's medical record.

SB 763 (Hill) Medical professionals: probation

Location: Re-referred to Com. on RLS. pursuant to Assembly Rule 97. 8-19-16
Requires licensees of the Medical, Osteopathic, Podiatric, and Physician Assistant Boards to disclose to an inquiring member of the public any enforcement action including temporary restraining orders, interim suspension orders, revocations, suspensions, probations, limitations on practice, public letters of reprimand, infractions, citations, fines, civil judgments, settlements meeting stated requirements, and hospital disciplinary actions meeting stated requirements.

SB 1033 (Hill) Medical Board: disclosure of probationary status

Location: Ordered on inactive file by author on 6-2-16.

This bill requires physicians and surgeons, osteopathic physicians and surgeons, podiatrists, acupuncturists, chiropractors and naturopathic doctors to notify patients of their probationary status before visits take place. This issue not appear to be addressed during this legislative cycle.

SB 1039 (Hill) Professions and Vocations

Location: Read third time. Passed. Ordered to the Senate, 8-29-16

All language referring to the Board of Podiatric Medicine has been removed from this bill. It now increases fees for the Dental Hygiene Committee, California Board of Optometry, Board of Registered Nursing, the Board of Pharmacy, and the Contractors State License Board. It also makes other changes to the statutes governing various boards and bureaus under the Department of Consumer Affairs. It is important to note that Senator Hill stated that the issues addressed in the earlier versions of this bill referring to the Board of Podiatric Medicine could be revisited through the next Sunset Review process of the Medical Board of California.

SB 1155 (Morrell) Professions and vocations: licenses: military service

Location: Held in committee and under submission, 8-11-16

This bill requires every board under the Department of Consumer Affairs to grant a waiver for the application and initial licensing fee to an honorably discharged veteran.

SB 1478 (BP & E) Professions and Vocation

Location: Assembly amendments concurred in. Ordered to engrossing and enrolling, 8-29-16

This bill contains provisions impacting many of the healing arts boards. This bill amends the Board of Podiatric Medicine's list of officer positions in the Business and Professions Code, Sec. 2467, which authorizes the election of a President and President-Elect. This bill will add the position of Secretary to the list of authorized board officer positions. BPM voted to support SB 1478 on June 3, 2016.

C. REGULATORY UPDATE – 2015 – 2016

1. BPM is in the rulemaking process for adopting regulations dealing with Oral Arguments, Amicus Briefs, and Written Arguments in response to an order of non-adoption or reconsideration. There was a hearing on August 17, 2016 and no public comment or written responses were received.

16 California Code of Regulations (CCR), Division 13.9:
Article 13, Oral Arguments; Amicus Briefs
Sec. 1399.730, Procedures for the Conduct of Oral Arguments;
Sec. 1399.731, Amicus Briefs; and,
Sec. 1399.732, Written Argument Submitted in Response to an Order of
Non-adoption or Reconsideration

2. BPM is currently working with legal counsel also in the rulemaking process for amending its regulations to implement the Uniform Standards for Substance-Abusing Healing Arts Licensees pursuant to SB 1441. Drafts are almost ready for BPM's legal counsel to review. The specifics are as follows:

16 California Code of Regulations (CCR), Division 13.9:
Article 11, Disciplinary Guidelines, Sec. 1399.710; Sec. 1399.711; Sec.
1399.712; Sec. 1399.713; Sec. 1399.714; Sec. 1399.715; and Sec.
1399.716

3. BPM has filed on July 26, 2016, with the Office of Administrative Law to correct scrivener's errors in Citation and Fines, section 1399.696(c)(61) to implement a proposed non-substantive change without regulatory effect. This section incorrectly references section 2225(d) of the California Business and Professions Code which should in fact reflect section 2225(e) instead. This will correct referential errors when BPM imposes citations and fines. OAL is expected to complete the process during the first week of September.

4. BPM has received authority from the Board to amend the Continuing Education for Acupuncture matter on 5-11-16. Section 1399.672 needs to be amended to correct scrivener's errors. Section 1399.672 specifies continuing education matters as codified in 1399.661 but it should refer to 1399.662. By correcting non-substantive errors in code references, BPM will correctly list the requirements for a licensee practicing acupuncture.

D. LEGISLATIVE CALENDAR

The important dates for BPM in this legislative cycle that are remaining include:

-Aug. 31 Last day for each house to pass bills, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)). Final Recess begins upon adjournment (J.R. 51(b)(3)).

-Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

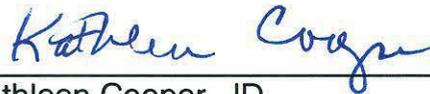
ATTACHMENTS

A. Regulatory Matrix

B. Legislative Calendar

C. BPM Timeline

Prepared by: Kathleen Cooper, JD



Kathleen Cooper, JD
Interim Executive Officer

BOARD OF PODIATRIC MEDICINE
Program Activities and Legislative & Regulatory Matrix

LEGISLATION							
Board Secretary Election	In Progress	03-04-16		The creation of a Secretary Officer Position on the BPM Board Officer Position included in SB 1478.			
REGULATIONS							
Subject	Current Status	Date Approved by Board	Date Notice Published by OAL	Date of Public Hearing	Date to DCA (and other control agencies for Final Review*	Date to OAL for Review**	Date to Secretary of State***
Disciplinary Guidelines- Implementation of SB 1441	To BPM Enforcement Committee on 5-20-15	11-13-15	Staff is working with legal counsel to prepare for submission to DCA for final review, before submitting to OAL				
BPM Regulations for Oral Argument	To BPM Enforcement Committee on 5-20-15	9-18-2015	04-15-16	8-17-16			
Citation and Fines	To BPM Enforcement Committee on 2-10-16	3-04-16	Staff submitted to OAL, Sec. 100.	7-26-15			
Continuing Education for Acupuncture Practice	To BPM Licensing Cmte on 5-11-16		Staff finishing the file to submit to DCA for final review, before submitting to OAL				

Prepared by Kathleen Cooper
Updated on August 5, 2016
For questions, call 916-263-2650

*DCA is allowed 30 calendar days for review
**OAL is allowed 30 working days for review
***Rulemakings become effective on a quarterly basis, unless otherwise specified.

2016 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
10/7/2015

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 15** Last day for **policy committees** to hear and report to Fiscal Committees fiscal bills introduced in their house in the odd-numbered year. (J.R. 61(b)(1)).
- Jan. 18** Martin Luther King, Jr. Day observed.
- Jan. 22** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2015 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced in that house in the** odd-numbered year (J.R. 61(b)(3)), (Art. IV, Sec. 10(c)).

Feb. 15 Presidents' day observed.

Feb. 19 Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).

Mar. 17 **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).

Mar. 28 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).

Apr. 1 Cesar Chavez Day Observed.

Apr. 22 Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

May 6 Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).

May 13 Last day for **policy committees** to meet prior to June 6 (J.R. 61(b)(7)).

May 27 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 6 (J.R. 61 (b)(9)).

May 30 Memorial Day observed.

May 31 - June 3 **Floor Session only.** No committee may meet for any purpose (J.R. 61(b)(10)).

2016 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
10/7/2015

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- June 3** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 6** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins upon adjournment provided the Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day observed.

AUGUST						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committees may meet for any purpose (J.R. 61(b)(15)).
- Aug. 19** Last day to **amend** on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).
Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2016

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).
- Nov. 8 General Election.
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 5 12 Noon convening of the 2017-18 Regular Session (Art. IV, Sec. 3(a)).

2017

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to Senate Rules committee approval



BPM Calendar

