

MEMORANDUM

DATE	April 11, 2017
TO	Board of Psychology
FROM	 Konnor Leitzell Central Services Student Assistant
SUBJECT	Agenda Item #4(b)(1)(A)(2) – AB 710 (Wood) Department Of Consumer Affairs: Boards: Meetings

Background:

This bill would require every board within the Department of Consumer Affairs to meet once every other calendar year in rural Northern California. Current law requires these boards to meet at least three (3) times each calendar year, at least once in northern California and once in southern California.

This bill would require the Board of Psychology (Board) to hold one meeting every other calendar year in a rural Northern California location, which is not clearly defined by the bill.

Previously this bill was a Spot bill with non-substantive changes to the Business and Professions Code.

Location: Assembly Committee on Business and Professions

Status: 03/27/2017 From committee chair, with author's amendments, re-refer to Committee on Business and Professions.

Action Requested:

The staff recommendation is for the Board to adopt an "Oppose" position for AB 710 (Wood). This bill is not only poorly defined and administratively burdensome, it is also short-sided in that it would require the Board to hold meetings in areas of the State that do not maximize the ability of the majority of the Board's licensees and consumers to attend and participate in Board meetings. This bill could simultaneously reduce participation by the public and licensees while increasing costs for Board meetings.

Attachment A: Staff Analysis of AB 710 (Wood)

Attachment B: AB 710 (Wood) Text

2017 Bill Analysis

Author: Wood	Bill Number: AB 710	Related Bills: Not Applicable
Sponsor: NONE	Version: Amended	
Subject: Department Of Consumer Affairs: Boards: Meetings		

SUMMARY

This bill would require every Board within the Department of Consumer Affairs to meet once every other calendar year in rural northern California. Current law generally requires these Boards to meet at least three (3) times each calendar year, at least once in northern California and once in southern California.

RECOMMENDATION

OPPOSE – This bill, if passed, would require the Board of Psychology to conduct a Board meeting in rural Northern California location every other calendar year when the majority of the licensee and consumer population is located in central and southern California. This bill is not only poorly defined and administratively burdensome, it is also short-sided in that it would require the Board to hold meetings in areas of the state that do not maximize the ability of the majority of the Board’s licensees and consumers to attend and participate in Board meetings. This bill could simultaneously reduce participation by the public and licensees while increasing costs for Board meetings.

REASON FOR THE BILL

Given the wide range of issues covered by each board, current law requires each board to meet at least once in Northern California and at least once in Southern California each calendar year. This meeting requirement helps ensure that stakeholders from all over the State have an opportunity to be heard by the boards that are responsible to regulate and license them. Unfortunately, far too many times, board meetings do not take place in the rural parts of northern California. AB 710 would ensure that our rural communities have a fair opportunity to have their voices heard at board meetings.

Other Boards/Departments that may be affected: Board of Behavioral Science	
<input type="checkbox"/> Change in Fee(s) <input type="checkbox"/> Affects Licensing Processes <input type="checkbox"/> Affects Enforcement Processes	
<input type="checkbox"/> Urgency Clause <input type="checkbox"/> Regulations Required <input type="checkbox"/> Legislative Reporting <input type="checkbox"/> New Appointment Required	
Policy & Advocacy Committee Position: <input type="checkbox"/> Support <input type="checkbox"/> Support if Amended <input type="checkbox"/> Oppose <input type="checkbox"/> Oppose Unless Amended <input type="checkbox"/> Neutral <input type="checkbox"/> Watch Date: _____ Vote: _____	Full Board Position: <input type="checkbox"/> Support <input type="checkbox"/> Support if Amended <input type="checkbox"/> Oppose <input type="checkbox"/> Oppose Unless Amended <input type="checkbox"/> Neutral <input type="checkbox"/> Watch Date: _____ Vote: _____

ANALYSIS

Under current law, the Board of Psychology must conduct one Board meeting in southern California, and one in northern California. Currently, the Board holds four (4) meetings per year, which results in one meeting at the following regions: Sacramento, Greater Bay Area, Greater Los Angeles Area, and Greater San Diego Area. This bill would require the Board to hold one meeting every other calendar year in a rural Northern California location.

The current location distribution is optimal and appropriate to maximizing accessibility and participation for both the consumers of psychological services and the Board's licensees. Currently, the majority of the Board's licensee population, as well as the consumer population it serves, are located in the larger metropolitan geographic locations that the Board holds its meetings. These locations are chosen to increase the public's accessibility to communicate with the Board during these meetings and expand the understanding of licensee and consumer needs. These locations are also more easily accessible due to greater commercial and public transportation and rooming options that rural locations often lack.

Another consideration is that licensees petitioning for relief from Board enforcement or probation must have their hearings at public Board meetings, which would require these licensees, the Attorney General's staff representing the Board, and the Administrative Law Judge to also travel to these rural locations even if the licensee is located in a major metropolitan area. This would add additional costs to these hearings for the Board, Attorney General's Office, and the licensee.

Additionally, the bill not only does not define what qualified as "rural" and what qualifies as Northern California. It is unclear to Board staff how the bill intends to classify rural Northern California, would the Board be required to hold a meeting in a location like Red Bluff or would Santa Rosa also be considered rural Northern California. Similarly, what population size would be the cut-off for a rural area and would this lead to even more difficulty finding adequate publicly accessible locations to hold the meeting and for booking necessary Board and staff travel and rooming accommodations.

Board staff recommends opposing AB 710 because it is poorly defined, administratively burdensome, and could simultaneously reduce participation by the public and licensees while increasing costs for Board meetings.

LEGISLATIVE HISTORY

Not Applicable

OTHER STATES' INFORMATION

Not Applicable

PROGRAM BACKGROUND

The Board advances quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the practice. To accomplish this, the

Board regulates licensed psychologists, psychological assistants, and registered psychologists. Currently, Board meetings are conducted four (4) times per calendar year to receive public comment, interact with the licensee population, and conduct necessary Board business in an open and transparent manner. The Board of Psychology encourages the public and licensees to attend and communicate with the Board at these meetings in order to ensure consumer protection and best serve its licensees.

FISCAL IMPACT

This bill would require additional travel costs for staff and the public. The average cost of flights from Los Angeles to Eureka, CA is roughly over \$400, which is nearly \$250 higher than the average cost of flying from Los Angeles to Sacramento. Additionally, this would not cover any additional costs for shuttles or rental cars if the definition of rural required further travel from an airport. This bill would also require potentially higher costs for the rural board meeting due to the quantity of hotels that have the capacity to host a board meeting, live webcasting, and has enough rooms for Board members, Board staff, and any meeting attendees. These increased travel costs would also apply to petition hearings that must be heard at public Board meetings.

ECONOMIC IMPACT

Not Applicable

LEGAL IMPACT

Not Applicable

APPOINTMENTS

Not Applicable

SUPPORT/OPPOSITION

Support: None on file

Opposition: None on file

ARGUMENTS

Proponents: Not Applicable

Opponents: Not Applicable

AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Wood

February 15, 2017

An act to amend Section ~~101.6~~ 101.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Wood. Department of Consumer ~~Affairs.~~
Affairs: boards: meetings.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year, and at least once in northern California and once in southern California per calendar year.

This bill would require a board to meet once every other calendar year in rural northern California.

~~Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides that these boards are established to ensure that private businesses and professions are regulated to protect the people of this state.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 101.7 of the Business and Professions
2 Code is amended to read:

3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least three times each calendar year. Boards shall
5 meet at least once each calendar year in northern ~~California~~
6 California, once every other calendar year in rural northern
7 California, and once each calendar year in southern California in
8 order to facilitate participation by the public and its licensees.

9 (b) The director at his or her discretion may exempt any board
10 from the requirement in subdivision (a) upon a showing of good
11 cause that the board is not able to meet at least three times in a
12 calendar year.

13 (c) The director may call for a special meeting of the board
14 when a board is not fulfilling its duties.

15 (d) An agency within the department that is required to provide
16 a written notice pursuant to subdivision (a) of Section 11125 of
17 the Government Code, may provide that notice by regular mail,
18 email, or by both regular mail and email. An agency shall give a
19 person who requests a notice the option of receiving the notice by
20 regular mail, email, or by both regular mail and email. The agency
21 shall comply with the requester's chosen form or forms of notice.

22 (e) An agency that plans to Web cast a meeting shall include in
23 the meeting notice required pursuant to subdivision (a) of Section
24 11125 of the Government Code a statement of the board's intent
25 to Web cast the meeting. An agency may Web cast a meeting even
26 if the agency fails to include that statement of intent in the notice.

27 SECTION 1. ~~Section 101.6 of the Business and Professions~~
28 Code is amended to read:

29 ~~101.6. The boards, bureaus, and commissions in the department~~
30 ~~are established for the purpose of ensuring that those private~~
31 ~~businesses and professions deemed to engage in activities that~~
32 ~~have potential impact upon the public health, safety, and welfare~~
33 ~~are adequately regulated in order to protect the people of California.~~

34 ~~To this end, they establish minimum qualifications and levels~~
35 ~~of competency and license persons desiring to engage in the~~
36 ~~occupations they regulate upon determining that such persons~~
37 ~~possess the requisite skills and qualifications necessary to provide~~
38 ~~safe and effective services to the public, or register or otherwise~~

1 ~~certify persons in order to identify practitioners and ensure~~
2 ~~performance according to set and accepted professional standards.~~
3 ~~They provide a means for redress of grievances by investigating~~
4 ~~allegations of unprofessional conduct, incompetence, fraudulent~~
5 ~~action, or unlawful activity brought to their attention by members~~
6 ~~of the public and institute disciplinary action against persons~~
7 ~~licensed or registered under the provisions of this code when such~~
8 ~~action is warranted. In addition, they conduct periodic checks of~~
9 ~~licensees, registrants, or otherwise certified persons in order to~~
10 ~~ensure compliance with the relevant sections of this code.~~

O