

NOTICE OF BOARD MEETING**Friday, April 29, 2022****9:00 a.m. – 6:00 p.m. or until Completion of Business**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m94f7d715e15c979587de7251d11f8db4>

If joining using the link above
Webinar number: 2481 955 0724
Webinar password: BOP04292022

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+1-415-655-0001 US Toll
Access code: 248 195 50724
Passcode: 26704292

The Board of Psychology will hold a Board Meeting via WebEx as noted above, and via telephone conference at the following locations:

Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room
Sacramento, CA 95834
(916) 574-7720

Elihu M Harris Building
1515 Clay Street, Fl 2, Room 12
Oakland, CA 94612
(510) 622-2564

Cerritos Field Office HQV
12750 Center Court Drive South
Ste 750
Cerritos, CA 90703
(562) 402-4668

Milton Marks Conference Center-
Monterey Room
455 Golden Gate Ave, Lower Level
San Francisco, CA 94102
(415) 865-4200

8920 Wilshire Blvd, Ste 334
Beverly Hills, CA 90211
(310) 275-4194

12803 Pimperl Way
San Diego, CA 92129
(619) 993-4186

2888 Eureka Way, Ste 200
Redding, CA 96001
(530) 225-8710

Due to potential technical difficulties, please consider submitting written comments by April 22, 2022, to bopmail@dca.ca.gov for consideration.

Board Members

Lea Tate, PsyD, President
Seyron Foo, Vice President
Sheryll Casuga, PsyD, CMPC
Marisela Cervantes, EdD, MPA
Mary Harb Sheets, PhD
Julie Nystrom
Stephen Phillips, JD, PsyD
Ana Rescate
Shacunda Rodgers, PhD

Board Staff

Antonette Sorrick, Executive Officer
Jon Burke, Assistant Executive Officer
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Manager
Sandra Monterrubio, Enforcement
Program Manager
Liesel McCockran, CE/Renewals
Coordinator
Suzy Costa, Legislative and Regulatory
Analyst
Sarah Proteau, Central Services Office
Technician
Rebecca Bon, Board Counsel
Heather Hoganson, Regulatory Counsel

Friday, April 29, 2022

AGENDA**Action may be taken on any item on the agenda.**

Unless noticed for a specific time, items may be heard at any time during the period of the Board meeting.

The Board welcomes and encourages public participation at its meetings. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Call to Order/Roll Call/Establishment of a Quorum
2. President's Welcome
 - a) Mindfulness Exercise (Rodgers)
3. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
4. Discussion and Possible Approval of the Board Meeting Minutes: February 17-18, 2022
5. President's Report (L. Tate)
 - a) Legislative Visits Recap

- b) Meeting Calendar
- 6. Executive Officer's Report (A. Sorrick)
 - a) Personnel Update
 - b) 2021 Department of Consumer Affairs (DCA) Annual Report
 - c) COVID-19 Update
- 7. DCA Update
- 8. Budget Report (J. Glasspiegel)
- 9. Budget Ad Hoc Committee Report and Consideration of Committee Recommendations (Rodgers – Chairperson, Nystrom)
 - a) Fiscal Analysis (J. Burke/J. Glasspiegel/S. Costa)
 - b) Fee Recommendation
- 10. Licensing Report (S. Cheung)
- 11. Continuing Education and Renewals Report (L. McCockran)
- 12. Enforcement Report (S. Monterrubio)
- 13. Association of State and Provincial Psychology Boards (ASPPB) EPPP2 Update (S. Casuga)
- 14. Legislative and Regulatory Affairs Updates (Cervantes – Chairperson, Casuga, Phillips)
 - a) Legislation from the 2021 Legislative Session: Review and Possible Action (M. Cervantes)
 - 1. Board-Sponsored Legislation
 - A. SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact
 - 2. Bills with Active Positions Taken by the Board
 - A. AB 32 (Aguiar-Curry) Telehealth
 - B. SB 731 (Durazo) Criminal records: relief
 - C. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations
 - 3. Watch Bills
 - A. AB 29 (Cooper) State bodies: meetings
 - B. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
 - C. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

- D. AB 339 (Lee) State and local government: open meetings
- E. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services
- F. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
- G. AB 657 (Bonta) State civil service system: personal services contracts: professionals
- H. AB 810 (Flora) Healing arts: reports: claims against licensees
- I. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties
- J. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
- K. AB 1026 (Smith) Business licenses: veterans.
- L. AB 1236 (Ting) Healing arts: licensees: data collection
- M. AB 1386 (Cunningham) License fees: military partners and spouses
- N. SB 102 (Melendez) COVID-19 emergency order violation: license revocation
- O. SB 221 (Wiener) Health care coverage: timely access to care
- P. SB 224 (Portantino) Pupil instruction: mental health education

b) Legislation from the 2022 Legislative Session: Review and Possible Action
(M. Cervantes)

1. Review of Bills for Active Position Recommendations to the Board
 - A. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction
 - B. AB 1733 (Quirk) State bodies: open meetings
 - C. AB 2123 (Villapudua) Bringing Health Care into Communities Act of 2023
 - D. AB 2754 (Bauer-Kahan) Psychology: supervising psychologists: qualifications
 - E. SB 1365 (Jones) Licensing boards: procedures
 - F. SB 1428 (Archuleta) Psychologists: psychological testing technician: registration
2. Watch Bills
 - A. AB 1795 (Fong) Open meetings: remote participation.
 - B. AB 1860 (Ward) Substance abuse treatment: certification.
 - C. AB 1921 (Jones-Sawyer) Correctional officers.
 - D. AB 1988 (Bauer-Kahan) Warren-911-Emergency Assistance Act and Miles Hall-988-Mental Health and Suicide Prevention Lifeline.
 - E. AB 2080 (Wood) Health Care Consolidation and Contracting Fairness Act of 2022.
 - F. AB 2104 (Flora) Professions and vocations.
 - G. AB 2229 (Luz Rivas) Peace officers: minimum standards: bias evaluation.
 - H. AB 2274 (Blanca Rubio) Mandated reporters: statute of limitations.
 - I. SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees.
 - J. SB 1223 (Becker) Criminal procedure: mental health diversion.

- c) Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4.
- 15. Discussion and Possible Adoption of Continuing Professional Development Regulatory Package 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67, including consideration of comments received (M. Cervantes)
- 16. Regulatory Update, Review, and Consideration of Additional Changes (M. Cervantes)
 - a) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Registered Psychological Associates
 - b) 16 CCR sections 1381.10, 1392, and 1397.69 – Retired License, Renewal of Expired License, Psychologist Fees (retired license)
 - c) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Associates Registration and Reactivating a Psychological Associate Registration
 - d) 16 CCR sections 1392 and 1392.1 – Psychologist Fees and Psychological Associate Fees
 - e) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees
 - f) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions
- 17. Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

CLOSED SESSION

- 18. The Board Will Meet in Closed Session Pursuant to Government Code Section 11126, subdivision (c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement or Modification of Penalty, Petitions for Reconsideration, and Remands.

ADJOURNMENT

Action may be taken on any item on the agenda. Items may be taken out of order or held over to a subsequent meeting, for convenience, to accommodate speakers, or to maintain a quorum. Meetings of the Board of Psychology are open to the public except when specifically noticed otherwise, in accordance with the Open Meeting Act.

In the event that a quorum of the Board is unavailable, the president may, at their discretion, continue to discuss items from the agenda and to vote to make recommendations to the full board at a future meeting [Government Code section 11125(c)].

The meeting is accessible to the physically disabled. To request disability-related accommodations, use the contact information below. Please submit your request at least five (5) business days before the meeting to help ensure availability of the accommodation.

You may access this agenda and the meeting materials at www.psychology.ca.gov. The meeting may be canceled without notice. To confirm a specific meeting, please contact the Board.

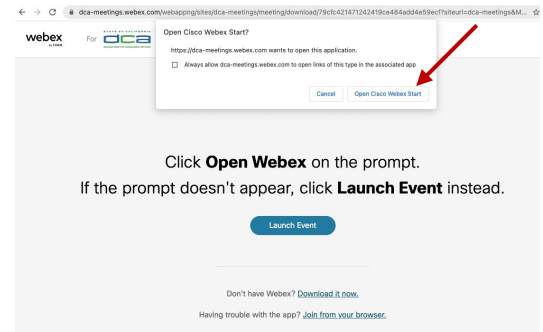
Contact Person: Antonette Sorrick
1625 N. Market Boulevard, Suite N-215
Sacramento, CA 95834
(916) 574-7720
bopmail@dca.ca.gov

The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

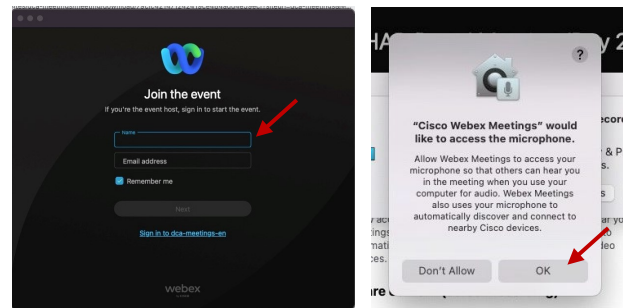
If joining using the meeting link

1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



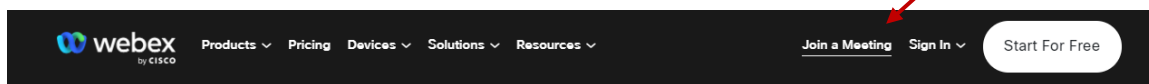
3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



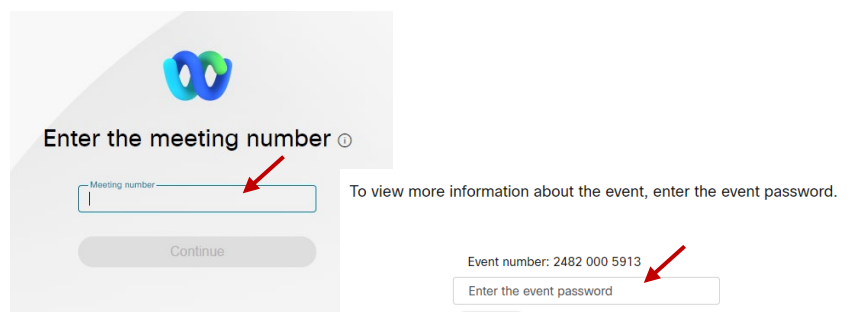
OR

If joining from [Webex.com](https://www.webex.com)

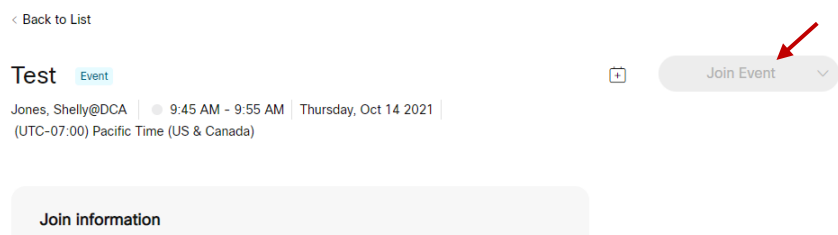
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event”.



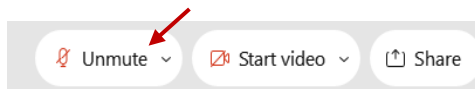
OR

Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

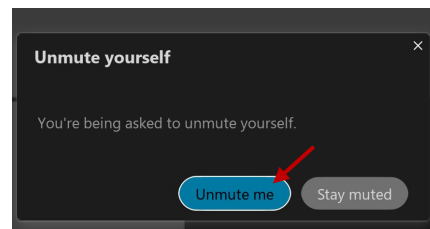


Green microphone = Unmuted: People in the meeting can hear you.



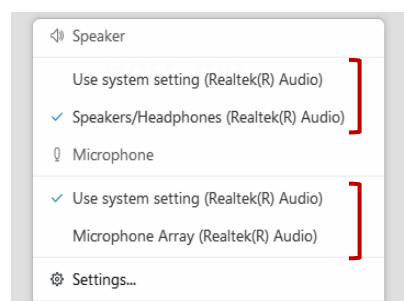
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.



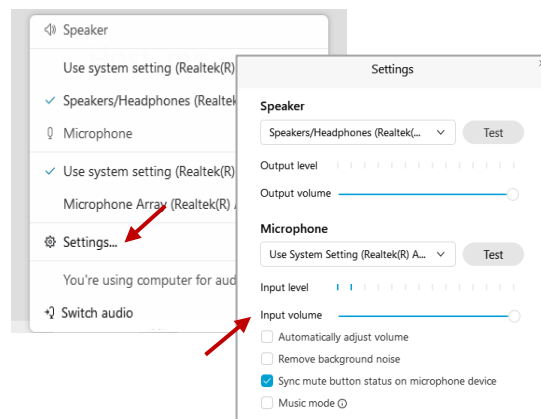
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

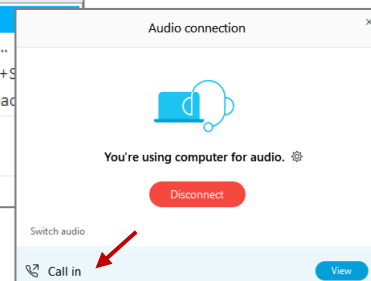
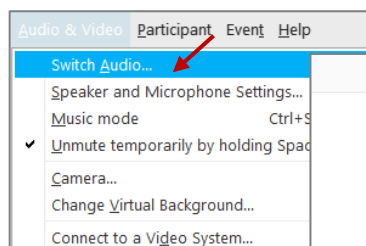
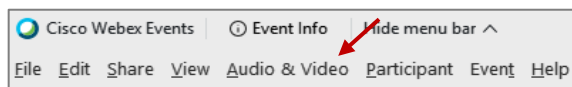
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on “Settings...”:
 - Drag the “Input Volume” located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

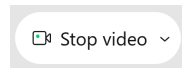
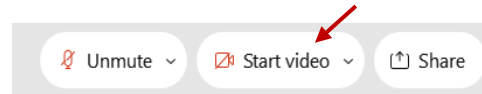
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



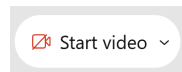
Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



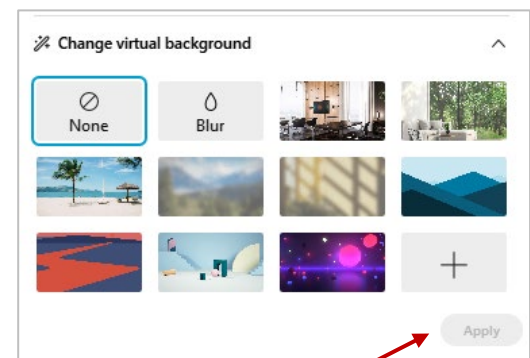
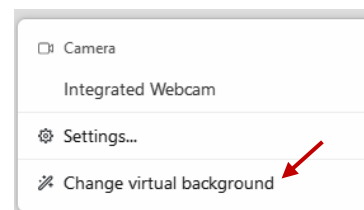
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

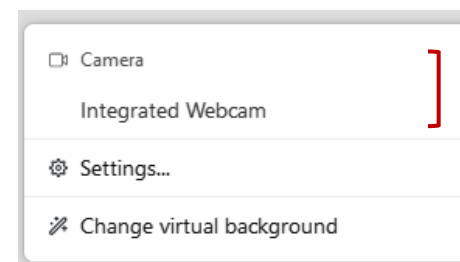
Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.



MEMORANDUM

DATE	April 13, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item 5(a) Recap of Legislative Visits

Background:

As part of the Board of Psychology's (Board's) policy and advocacy role, Board staff scheduled meetings with the Chairs, Vice Chairs, and staff members of the Senate Business, Professions and Economic Development Committee and Assembly Business and Professions Committee. The purpose of the meetings was to discuss the Board's legislative accomplishments from the 2021 Legislative year and the Board's 2022 proposed legislation. Additionally, the Board discussed potential proposals for the 2023 legislative year, including the fee increase. In attendance at the meetings on February 16 and February 23 were Dr. Tate, Dr. Phillips, Dr. Cervantes, Dr. Casuga, Dr. Harb Sheets, and Board staff.

Action Requested:

This item is for informational purposes only.

Attachment A: Board of Psychology Quick Facts 2022

Attachment B: Legislative Meetings Agenda

QUICK FACTS

BOARD EXECUTIVE STAFF

Executive Officer: Antonette Sorrick
Assistant Executive Officer: Jonathan Burke

LAWS AND REGULATIONS

Business and Professions Code sections 2900–2999
Title 16, Division 13.6, California Code of Regulations sections 1380–1397.71

BUDGET ACT OF 2022: FY 2022–23

Appropriation: \$6,994,000
Authorized Positions: 27.3

BOARD MEMBERS

Total Members: 9
Public Members: 4
Licensed Members: 5

SUNSET REVIEW

Last Review: 2021
Next Review: 2025
Inoperative/Repeal Date: January 1, 2026

LICENSEE STATISTICS

LICENSE CATEGORY	ACTIVE
Psychologist	22,319
Psychological Associate	1,445
Total Licensee Population	23,764

LICENSING REQUIREMENTS

Degree/Professional Schooling	YES
Examination	YES
Continuing Competency/Education	YES
Fingerprinting Requirement	YES
Supervised Professional Experience	YES

FEES

PSYCHOLOGIST	ACTUAL FEE	STATUTORY LIMIT
Application Fee	\$40	\$50
Exam Fee (Paid to the Association of State and Provincial Psychology Boards)	\$600	N/A
California Psychology Law and Ethics Examination (CPLEE) Fee	\$129	Cost to Board
Initial License Fee	\$400	\$500
TOTAL INITIAL LICENSE FEES	\$1,169	-
Biennial Active Renewal Fee	\$430	\$500
Biennial Inactive Renewal Fee	\$60	\$40
Active Delinquent Fee	\$150	50% of Renewal
Inactive Delinquent Fee	\$20	50% of Renewal

PSYCHOLOGICAL ASSOCIATE	ACTUAL FEE	STATUTORY LIMIT
Application Fee	\$40	\$75
Renewal Fee	\$40	\$75



1625 North Market Blvd, Suite N-215 Sacramento, CA 95834 / www.psychology.ca.gov
Phone: (916) 574-7720 / Fax: (916) 574-8672

LEGISLATIVE PRIORITIES

SB 401 (Pan) Psychology: unprofessional conduct: disciplinary action: sexual acts.

Position: Sponsor

Location: Assembly Business and Professions (to be heard in April 2022)

- Amends Business and Professions Code section 2960 and 2960.1.
- Clarifies the circumstances under which specified sexual acts constitute unprofessional conduct.
 - Includes sexual behavior, sexting, and grooming.
- Administrative Law Judges (ALJs) feel constrained by the narrow definition of “sexual abuse or relations,” as currently written in law.
- Changes to the current law would allow ALJs to recommend appropriate discipline (revocations) for cases that involve sexual behavior, sexual misconduct, and sexual abuse.

Addressing the Board’s Structural Imbalance through Fee Increases

- Since at least 2016, the Board has been operating with a structural imbalance. This means that each year, the Board has been allocated to expend more money from its Fund than the Board has received in the form of Revenue.
- The result of a continued structural imbalance is a reduction in the Months in Reserve within the Board’s Fund.
- The Board is in the process of approving a new fee schedule for the application and renewal of both psychologists and registered psychological associates.
- The Board is pursuing a regulatory package that would increase the fee schedule to the statutory maximum, which will allow us to remain solvent through FY 2024-25.
- Once the Board approves the new fee schedule, Board staff will reach out to Legislators to create a bill proposal in 2023.

Establishing a Psychotherapist-Patient Privilege Exception for Board Investigations

- Since 2018, the Board has worked to address concerns raised by stakeholders regarding child custody matters in family court. This includes the role of psychologists who are appointed by a court to assist with custody and visitation proceedings.
- Because the Board of Psychology has no exception to the psychotherapy-patient privilege for its investigations, the Board is unable to enforce subpoenas for records needed in its investigations if the patient objects to disclosure of their psychotherapy-patient records.
- The Board will seek an author in the 2023-24 legislative session for this proposal.

Providing Technical Assistance to the California Psychological Association on Testing Technicians Proposal

- This bill will be introduced by Senator Archuleta in 2022.
- This bill would establish a new registration within the Board for testing technicians.
- Establishing this new registration would require the Board to levy a fee for application and renewal.
- This bill will be presented to the Board at the April 2022 Board meeting, for the Board's consideration and position.
- In the meantime, Board staff has provided technical assistance to the California Psychological Association on the bill's language, as well as the implementation/regulatory process once the bill becomes law.



Legislative Meetings Agenda

Date: Wednesday, February 16th, 2022

Meeting Platform: Microsoft Teams

- 1) 10:00 – 10:30 a.m.
Legislative Office: Assemblymember Heath Flora, Vice Chair of Assembly Business and Professions (B&P) Committee
Legislative Staff in Attendance: Jake Watkins, Legislative Director
Board Member in Attendance: Dr. Marisela Cervantes
Board Staff in Attendance: Antonette Sorrick, Jon Burke, Jason Glasspiegel, Sandra Monterrubio, Stephanie Cheung, Suzy Costa
Teams Meeting Info: 916-461-9649 // 326262250#
[Click here to join the 10:00 a.m. meeting](#)
- 2) 10:30 – 11:00 a.m.
Legislative Office: Assembly and Senate Republican Caucuses
Legislative Staff in Attendance: Bill Lewis, Consultant, Assembly Republican Caucus
Amanda Richie, Consultant, Senate Republican Caucus
Kayla Williams, Consultant, Senate Republican Caucus
Board Member in Attendance: Dr. Mary Harb Sheets
Board Staff in Attendance: Antonette Sorrick, Jon Burke, Jason Glasspiegel, Sandra Monterrubio, Stephanie Cheung, Suzy Costa
Teams Meeting Info: 916-461-9649 // 629175603#
[Click here to join the 10:30 a.m. meeting](#)
- 3) 1:00 – 1:30 p.m.
Legislative Office: Senate Business, Professions and Economic Development (BP&ED) Committee
Legislative Staff in Attendance: Sarah Mason, Chief Consultant, Senate BP&ED
Alexandria Smith-Davis, Consultant, Senate BP&ED
Board Member in Attendance: Dr. Mary Harb Sheets
Board Staff in Attendance: Antonette Sorrick, Jon Burke, Jason Glasspiegel, Sandra Monterrubio, Stephanie Cheung, and Suzy Costa
Teams Meeting Info: 916-461-9649 // 784181982#
[Click here to join the 1:00 p.m. meeting](#)
- 4) 2:30 – 3:00 p.m.
Legislative Office: Assembly B&P Committee
Legislative Staff in Attendance: Robert (Robby) Sumner, Chief Consultant, Assembly B&P
Board Members in Attendance: Dr. Stephen Phillips and Dr. Lea Tate
Board Staff in Attendance: Antonette Sorrick, Jon Burke, Jason Glasspiegel, Sandra Monterrubio, Stephanie Cheung, and Suzy Costa
Teams Meeting Info: 916-461-9649 // 12770579#
[Click here to join the 2:30 p.m. meeting](#)



Legislative Meeting Agenda

Date: Wednesday, February 23rd, 2022

Microsoft Teams

1) 3:00 – 3:20 p.m.

Legislative Office: Assemblymember Marc Berman, Chair, Assembly Business and Professions Committee

Board Members in Attendance: Dr. Sheryll Casuga and Dr. Lea Tate

Board Staff in Attendance: Antonette Sorrick, Jon Burke, Jason Glasspiegel, Sandra Monterrubio, Stephanie Cheung, Suzy Costa

Teams Meeting Info: 916-461-9649 // 476526490#

[Click here to join the 3:00 p.m. meeting](#)



Department of Consumer Affairs

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2022 Board Meeting/Event Calendar

Board Meeting

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Board Meeting	February 17-18, 2022	Teleconference	Agenda Materials Hand Carry		Webcast Feb 17 - Part 1 Webcast Feb 17 - Part 2 Webcast Feb 18 - Part 1 Webcast Feb 18 - Part 2
Board Meeting	April 29, 2022		Agenda		
Board Meeting	August 19, 2022				
Board Meeting	November 17-18, 2022				

Budget Ad Hoc Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Budget Ad Hoc Committee	February 25, 2022	Teleconference	Agenda Materials		Webcast

Legislative and Regulatory Affairs Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Legislative and Regulatory Affairs Committee	March 25, 2022	Teleconference	Agenda Materials Hand Carry		Webcast
Legislative and Regulatory Affairs Committee	June 10, 2022				

Licensure Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Licensure Committee Meeting	January 7, 2022	Teleconference	Agenda Materials Hand Carry		Webcast
Licensure Committee Meeting	July 22, 2022				

Outreach and Communications Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Outreach and Communications Committee Meeting	September 23, 2022				

EPPP2 Skills Ad hoc Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
TBD					

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Board of Psychology
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MEMORANDUM

DATE	April 12, 2022
TO	Psychology Board Members
FROM	Antonette Sorrick, Executive Officer
SUBJECT	Executive Officer's Report: Agenda Item 6

Background:

At the second Board meeting of the calendar year, I have included three items for the Board's review:

- 1) Personnel Update
- 2) Attached DCA Annual Report to the State Legislature
- 3) Waiver Update

Personnel Update

Authorized Positions: 27.30

Temp Help: 1.7

Vacancies: 1.0

New Hires	
Classification	Program

Promotions
None

Vacancies
1. Licensing Analyst (SSA) Vacancy. Vacancy effective on 2/1/22.

2021 Department of Consumer Affairs' (DCA) Annual Report to the Legislature

Background: In compliance with Business and Professions Code Section 129 (a report to the legislature to ascertain patterns of complaints and report such data on an annual basis), every year, the Department of Consumer Affairs compiles enforcement, examination, and

licensing data for all its 37 boards and bureaus and submits said report to the State Legislature.

Waivers

The Board currently has five active waivers that are active dependent upon the continued declared emergency by the Governor.

Attachments

Department of Consumer Affairs' Annual Report to the State Legislature
Waiver Update

Action Requested:

This item is for informational purposes only.

Waiver Topic	Code Section(s) Waived	Summary	Submission Date	Approval Status	Submitted By	Waiver Status
Withdraw Application	California Code of Regulations Section 1381.4	This waiver extends the eligibility period for candidates to take or re-take an examination from 12 to 18 months prior to their application is deemed withdrawn by the Board due to failing to appear for, take, or re-take the examination. This waiver applies to psychologist applicants whose applications are deemed to be withdrawn within a specific period per the waiver, but does not retroactively apply to withdrawn applications prior to September 30, 2020 where applicants have already reapplied.	Submitted to Director Kirchmeyer on 4/10/2020	Extends prior waiver by 30 days to applications expiring between October 1, 2021, and October 31, 2021, and extends their eligibility to take examinations by six extra months , as discussed in the waiver. The expiration date for this waiver is 4/30/22.	Board of Psychology	Active
CPLEE for Restoration of License	Business and Professions Code Section 2986 California Code of Regulation Section 1397.67(b)	This waiver would allow the board to restore licenses of psychologists whose California licenses have cancelled without requiring the board's law and ethics examination (CPLEE). This waiver would become effective 3/4/20 until 6/30/20, or when the declaration of emergency is lifted. This would be consistent with the DCA Waiver DCA-20-02 Reinstatement of Licensure. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20. Expires when declared emergency is lifted.	Board of Psychology	Active
SPE Time Limitation	California Code of Regulations Section 1387(a)	The regulation allows a psychological trainee to request that the Board extend the time limitations of 30/60 consecutive months to accrue their pre-doctoral and post-doctoral hours of supervised professional experience (respectively) required for licensure. The waiver requested would be to allow applicants who reach the 30/60 month limitations between 3/4/20 and 6/30/20 up to an additional 6 months, or when the declaration of emergency is lifted, whichever is sooner, to accrue their hours. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20. Expires when declared emergency is lifted.	Board of Psychology	Active
Psych Asst 72 month Limit	California Code of Regulations Section 1391.1(b)	This waiver would allow a psychological assistant to continue their registration, beyond the 72 months limit upon request, and to provide services to clients for up to six months from the expiration date, or when the state of emergency ceases to exist, whichever is sooner. A psychological assistant who has reached the registration limit between 3/4/2020 and 6/30/2020 will qualify for the waiver and can request for such waiver during the state of emergency. This will help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20. Expires when declared emergency is lifted.	Board of Psychology	Active
Face to Face Supervision	California Code of Regulations Sections 1387(b)(4) and 1391.5(b)	This waiver would allow the Board to relax the requirement of face-to-face supervision to a psychological trainee by allowing the one hour face-to-face, direct, individual supervision to be conducted via HIPAA-compliant means from March 16, 2020, until June 30, 2020, or when the state declaration of emergency is lifted, whichever is sooner. The Board would still require that the trainee indicate the type of supervision on the required weekly log and the primary supervisor should verify this information. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Approved by DCA on 5/6/20. Waiver extended on 8/31/21 and now expires 10/31/21. The Board has issued a six-month grace period for face-to-face supervision which will allow for HIPAA compliant technology to count towards this requirement. The six-month grace period expires on 9/30/22.	Board of Psychology	Active

FISCAL
YEAR

2020-21

ANNUAL REPORT

CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS



GAVIN NEWSOM

Governor

LOURDES M. CASTRO RAMÍREZ

*Secretary of the Business, Consumer Services
and Housing Agency*

KIMBERLY KIRCHMEYER

Director of the Department of Consumer Affairs

ABOUT THIS BOOK

The Department of Consumer Affairs (DCA) is one of 12 entities operating under the direction of the Business, Consumer Services and Housing Agency, which is overseen by the Governor's Office.

The *Fiscal Year 2020–21 ANNUAL REPORT* was designed and edited by the Office of Publications, Design and Editing and printed on-site by DCA's Digital Print Services in compliance with California Business and Professions Code section 312.

Message from the Secretary

Thank you to the California Department of Consumer Affairs (DCA) family for their determination over this last year to keep California consumers protected. This year showcased our Agency's and our Department's resolve and resiliency to protect Californians and build back a stronger and more inclusive California for all. From the COVID-19 vaccine rollout to implementing Governor Gavin Newsom's historic California Comeback Plan, our state has fought hard for the people of California, providing relief and making major investments to address the state's most persistent challenges.

As a state focused on coming out of this pandemic stronger, we must move forward with intention and determination to learn from the past and shape a more inclusive, equitable, and fair future for all. DCA is a model of California's compassionate strength, upholding both consumer protection and licensee services.

This *Annual Report* outlines key information and statistics from DCA's outstanding year in review. Behind every single number, chart, or data point are real-life examples of how the Department touched the lives of many:

- Pharmacists were key in strengthening statewide public health by administering COVID-19 vaccines.
- Medical and behavioral health professionals implemented telehealth services on a never-before-seen scale for the individuals in their care.
- Boards and bureaus streamlined processes and procedures to provide timely licensure and enforcement services for consumers and applicants.
- Licensing entities ensured business owners had the latest updates and information they needed to operate safely.
- Californians were empowered with key consumer information through increased use of technology.

DCA touches the lives of so many individuals—3,500 employees; 3.4 million licensees; and 40 million Californians. And together we are embracing and reimagining possibilities. We are being bold in how we use our experience to forge a better, brighter future for ourselves, for our families, and for our communities.

All of this is possible thanks to the collaborative partnerships with stakeholders and everyone at DCA for their unwavering commitment to Californians. And congratulations to Director Kirchmeyer, her team, and all Department boards, bureaus, and programs for their accomplishments.

Lourdes Castro Ramírez, MA
Secretary, Business, Consumer Services and Housing Agency

Message from the Director

Welcome to the Department of Consumer Affairs *Fiscal Year 2020–21 Annual Report*.

The Department of Consumer Affairs (DCA) protects California consumers through oversight, enforcement, and licensure of professions. The Department consists of 36 boards and bureaus that protect nearly 40 million California consumers. DCA does this by regulating 3.4 million licensees in more than 250 professions and occupations, from health care professionals to architects, automotive mechanics, boxers, and veterinarians.

The information in last year's annual report reflected how DCA responded to meet the moment from the beginning to the middle of the pandemic. This year's report captures how those initial actions, and the ones that came after them, contributed and supported the state's effort to conquer—and emerge from—COVID-19.

Over the last two years, DCA staff have stayed on course with the Department's mission of consumer protection and have made a difference: When it was needed the most, DCA responded.

Supporting Licensees and Consumers

DCA provides oversight to boards and bureaus whose licensees were on the front line of the pandemic response. Waivers were key in the Department's effort to support these entities and professionals while upholding consumer protection. As of September 2021, DCA had issued nearly 200 waivers and waiver extensions, ensuring licensees could continue to practice and do business without interruption. Waivers also empowered a wide variety of these professionals to participate in vital COVID-19 vaccination efforts, expand life-saving testing into communities, and allow licensees and consumers to use telemedicine services.

Joining Together

The pandemic affected every facet of our lives, much work was needed to be done, and DCA staff rose to the occasion at every opportunity, including:

- **Task forces**—The Department's direct and vital leadership involvement includes the Testing Task Force, Vaccine Task Force, Workforce Task Force, and Enforcement Task Force.
- **Out-of-state resources**—The Cemetery and Funeral Bureau was instrumental in getting out-of-state licensees into California to augment decedent management capabilities.
- **E-outreach**—DCA and its boards and bureaus went above and beyond to take meetings and outreach efforts online, ensuring transparency and encouraging participation while maintaining pandemic best practices.
- **License fee relief**—Following passage by the Legislature and signature by Governor Gavin Newsom, DCA's Board of Barbering and Cosmetology proactively informed its individual and business licensees on the state's major two-year [fee-relief program](#) via [materials in multiple languages](#).
- **Volunteer corps**—Called upon to implement Governor Newsom's [California Health Corps](#), DCA and its boards and bureaus swiftly created new systems and processed tens of thousands of applications for professionals seeking to serve as COVID-19 health care volunteers.

Coming Back

Despite the challenges brought on by the pandemic, DCA staff adapted and persevered. And we stayed safe, teleworking and following local and state public health guidelines while working in the office or in the field. Through necessity, staff turned challenges into opportunities to create new, efficient processes. Thanks to our dedicated employees, I witnessed that amazing innovation every day of this past year.

I am proud of the work DCA does every year, but I am especially proud this year: As shown throughout this *Annual Report*, together, we reached new milestones. This Department's potential is limitless, and I am honored to be a part of it.

Kimberly Kirchmeyer, Director

MISSION

We protect California consumers by providing a safe and fair marketplace through oversight, enforcement, and licensure of professions.

VISION

Together, empowering California consumers.

VALUES

- ACCOUNTABILITY
- COMMUNICATION
- DIVERSITY
- EMPLOYEES
- INTEGRITY
- LEADERSHIP
- SERVICE
- TRANSPARENCY

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Support System

DCA's boards, bureaus, and other entities are supported by a dedicated and highly skilled staff of legal, technical, and administrative professionals. These professionals provide a wide range of support services, including human resources, information technology, investigations, communications, professional examinations, training, strategic planning, fiscal operations, and more.

Here is an overview of what the various offices and divisions of DCA's support system do for its many boards, bureaus, and other entities.

THE OFFICE OF ADMINISTRATIVE SERVICES provides business, personnel, budget, and accounting services. It consists of Business Services, Human Resources, and Fiscal Operations. Business Services ensures that DCA entities promote sound business decisions and practices in contracting and purchasing goods and services. It also manages DCA's many facilities, vehicle fleet, emergency response, and mail room and records services. Human Resources provides personnel support for DCA employees. Fiscal Operations provides budget, accounting, and central cashiering services.

THE COMMUNICATIONS DIVISION consists of the Office of Public Affairs (OPA); the Office of Publications, Design and Editing (PDE); and Digital Print Services (DPS). OPA creates and executes strategic media and communication plans for DCA, provides information of interest to consumers, responds to media inquiries, and alerts media to unlicensed activity sweeps. OPA's videographers assist DCA boards and bureaus with the creation of public service announcements; training, instructional, and consumer videos; and with webcasting of public meetings. PDE designs, edits, produces, and distributes more than 300 consumer and licensee publications, reports, and signage for DCA's various entities and headquarters. PDE supports DCA's boards and bureaus by producing and publishing newsletters and other publications and supports DCA staff by producing the "Did You Know?" monthly online newsletter for employees. PDE staff also write, edit, design, and distribute DCA's quarterly consumer magazine, *Consumer Connection*. DPS provides full in-house print shop services, including black-and-white and color digital printing, copying, bindery, and other various services to all of DCA. In addition to printing materials created by PDE, DPS produces projects directly from DCA licensing entities and support system programs, including licensee notices, reports, training books, business cards, posters, postcards, and booklets.

THE CONSUMER INFORMATION CENTER (CIC) is DCA's information resource center for consumers and licensees. Through its Call Center and Correspondence Unit, CIC provides consumers, license applicants, and licensees with user-friendly information or identifies the government agency or community organization that can best address their needs. CIC phone agents answer calls from consumers, applicants, and licensees via DCA's toll-free number. Correspondence Unit staff respond to emails and letters sent to DCA and coordinate with boards, bureaus, committees, and programs on escalated complaints received from the Business, Consumer Services and Housing Agency and the Governor's Office.

DCA'S SUPPORT SYSTEM

THE INTERNAL AUDIT OFFICE examines and evaluates the adequacy and effectiveness of the DCA governance, risk management, and internal control processes that are in place to achieve the mission, vision, and values of the Department. This includes performing internal audits on DCA's internal operations to ensure effective and efficient operations; compliance with state and federal rules, laws, and regulations; and ensuring the reliability of DCA's financial reports. Services include acting as the liaison for all audits and reviews conducted by federal and other state agencies, coordinating all entrance and exit conferences, keeping impacted DCA management staff apprised of audit issues coordinating all DCA responses to audit findings, and tracking the status of all recommendations until the reported findings have been resolved.

THE EQUAL EMPLOYMENT OPPORTUNITY OFFICE (EEO) serves all DCA employees, applicants, licensees, and consumers by promoting civil rights laws that prohibit discrimination and require public agencies to allow people to work and advance based on merit, ability, and potential without regard to their protected characteristics. The EEO office is charged with increasing the employment of persons with disabilities at DCA, and preventing and eliminating discrimination through policy implementation, training, education, and outreach. The areas of responsibility include coordinating the DCA Bilingual Services Program, Disability Advisory Committee, Employee Mediation Program, Upward Mobility Program, and sexual harassment prevention training; collecting annual EEO policy acknowledgments, serving as the DCA Americans with Disabilities Act coordinator, investigating allegations of discrimination; facilitating sign language and real-time captioning requests, completing the annual Workforce Analysis, distributing the Whistleblower Protection Act notice, and submitting the annual response to the state auditor.

THE OFFICE OF INFORMATION SERVICES (OIS) directs and manages information technology (IT) for DCA. OIS consists of Application Services, Enterprise Technology Services, Infrastructure Services, Client IT Support Services, Enterprise Project Services, and the Office of Information Security. Application Services maintains and develops the core licensing and enforcement platforms in DCA's portfolio, including the Consumer Affairs System, the Applicant Tracking System, BreEZe, and inLumon. Enterprise Technology Services maintains and supports DCA's wide area network infrastructure, serving more than 30 offices statewide, as well as more than 50 internet and intranet sites. Infrastructure Services maintains the network, cloud, operational security, and telecommunication services. The Reports and Data Governance teams provide reporting solutions and data analytics tools. Application Services provides public data fulfillment (licensee information), production support, and acts as public customer liaison. This team includes the Family Support Unit, which maintains systems that involve processing limited license hold issues related to child support systems. Client IT Support Services provides Service Desk and Client Device Services to all programs within DCA for end-user IT engagement. Enterprise Project Services provides project management assistance, controls agency liaison services, oversees the OIS change management and release process, and is implementing IT Governance. The Office of Information Security establishes the IT security and data privacy policies, maintains the business continuity planning process, investigates IT security breaches, and acts as liaison to the California Department of Technology in matters related to the Department's IT security.

THE ORGANIZATIONAL IMPROVEMENT OFFICE (OIO) collaborates with DCA boards, bureaus, and centralized services to identify opportunities for effective change and process improvement through business analysis. Services provided include business process documentation and mapping, development of system requirements for IT projects, and providing support for special projects. The OIO was recently renamed and may be referred to as Organizational Change Management (OCM) throughout this report.

THE DIVISION OF INVESTIGATION (DOI) is the law enforcement and investigative branch of DCA. DOI staff provide objective investigations regarding allegations of misconduct by licensees of DCA entities. DOI helps to protect the health, safety, and welfare of California consumers by conducting investigations and by filing criminal actions against subject licensees or unlicensed individuals on behalf of DCA entities. DOI field investigations frequently involve allegations of the illegal use and theft of drugs, sexual misconduct, quality-of-care issues, and unlicensed activity. DOI is composed of three units. The Health Quality Investigation Unit provides investigative services to the Medical Board of California, the Physician Assistant Board, the Podiatric Medical Board of California, and the Osteopathic Medical Board of California. The Investigation and Enforcement Unit provides investigative services for all the other boards and bureaus within DCA. The Special Operations Unit (SOU) is a specialized law enforcement unit within DOI that provides investigative services, training, and program management services for DOI and DCA. SOU conducts internal affairs investigations on behalf of DCA; background investigations of board, bureau, DOI, and DCA staff; investigations pursuant to DCA's Workplace Violence Prevention Policy; and provides oversight of the Infraction Citation Authority Program and the Criminal Offender Record Information clearance system.

THE LEGAL AFFAIRS DIVISION serves as in-house counsel for the director, executive staff, boards, bureaus, and other entities within DCA. The team of attorneys provides legal analysis and opinions on laws, issues, proposed legislation, regulations, government contracts, employer-employee matters, the Open Meeting Act, the Public Records Act, and the Information Practices Act. The Division also represents DCA before the State Personnel Board and other administrative tribunals, provides small-claims advice, defends clients in depositions, and appears at hundreds of public meetings annually.

THE DIVISION OF LEGISLATIVE AFFAIRS serves as DCA's resource on legislative matters, representing DCA's positions on these matters before the Legislature. The Division monitors and analyzes legislative bills on consumer issues and provides legislative recommendations and technical assistance to DCA, the Business, Consumer Services and Housing Agency, and the Governor's Office. The Division also serves as the liaison for the Legislature in handling constituent issues affecting all DCA entities. The Division hosts legislative roundtables to provide an open forum to discuss all aspects of legislation, including fiscal, information technology, and implementation impacts among DCA's various boards and bureaus.

THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) provides psychometric consulting services for occupational licensure examination programs. OPES services include occupational analysis, examination development (item writing/review), standard setting, program evaluation, and statistical analysis of examination performance. OPES follows accepted professional guidelines and technical standards to ensure that licensing examinations are fair, valid, and legally defensible. In addition to servicing 40–50 intra-agency contracts with DCA entities, OPES also oversees the master contract for examination administration at computer-based testing centers throughout the United States.

SOLID TRAINING AND PLANNING SOLUTIONS (SOLID) supports the development of all DCA employees through the design, delivery, evaluation, and administration of training and education programs. Its mission is to develop and manage a centralized program for training, education, and human resources development that ensures a skilled workforce that can meet DCA's strategic objectives. In addition, SOLID offers strategic planning assistance, employee surveys, and process improvement workshops.

BOARD AND BUREAU RELATIONS (BBR) is the liaison between the DCA executive office and its boards and bureaus. The office provides support services for appointed board members, executive officers, and bureau chiefs by connecting programs with the appropriate DCA resources. BBR is responsible for coordinating DCA executive officer and board member onboarding, procedures, and trainings, including DCA's Board Member Orientation Training. It provides tracking and analysis of all boards' and bureaus' meeting content and acts as the rapid response team for troubleshooting urgent issues across all DCA programs. Additionally, it maintains departmental data on board and committee members' required training compliance and appointments and disseminates information related to board and committee meetings. BBR also serves as a liaison between the boards, the Governor's Office, legislative appointing authorities, and the Business, Consumer Services and Housing Agency, and collaborates with boards and bureaus on external stakeholder engagement.

DCA-wide Legislation

AB 107 (SALAS, CHAPTER 693, STATUTES OF 2021) LICENSURE: VETERANS AND MILITARY SPOUSES

This bill, after July 1, 2023, requires most boards and bureaus within DCA to issue temporary licenses to military spouses meeting specified criteria within 30 days, including passing a background check if one is required for licensure. This bill also requires DCA and boards and bureaus to post license information for military spouses on their websites and requires DCA to submit an annual report on licensure of military members, veterans, and spouses.

AB 830 (FLORA, CHAPTER 376, STATUTES OF 2021) BUSINESS: DEPARTMENT OF CONSUMER AFFAIRS: LICENSED PROFESSIONS AND VOCATIONS

This is the technical committee bill for the Assembly Business and Professions Committee. Among other things, this bill: (1) requires DCA's director to notify the Legislature within 60 days after the position of chief or executive officer of any board or bureau within DCA becomes vacant; (2) makes changes to specified definitions in the Alarm Company Act; (3) prohibits firearms instructors from self-certifying; (4) allows the Bureau of Security and Investigative Services to suspend licenses of companies not in good standing with the Secretary of State and Franchise Tax Board; and (5) establishes a reinstatement fee for suspended licenses. The bill also makes clarifying changes to the Architects Practice Act, Contractors State License Law, and the Cemetery and Funeral Act.

AB 1273 (RODRIGUEZ, CHAPTER 477, STATUTES OF 2021) INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP: THE DIRECTOR OF CONSUMER AFFAIRS AND THE STATE PUBLIC HEALTH OFFICER: EARN AND LEARN TRAINING

This bill, among other provisions, adds DCA and the Department of Public Health to an Interagency Advisory Committee on Apprenticeship to increase communication among California's professional licensing programs about potential "earn and learn" opportunities. This bill further prohibits DCA and its boards and bureaus from prohibiting applicants for licensure from earning credits or experience through an "earn and learn" program. This bill clarifies that it does not mandate that an accrediting entity must provide earn and learn programs. This bill makes these provisions operative on January 1, 2024.

SB 607 (MIN, CHAPTER 367, STATUTES OF 2021) BUSINESS AND PROFESSIONS

This bill is a committee bill for the Senate Business, Professions and Economic Development Committee. This is also the vehicle for one-year sunset extensions for specified boards and bureaus. Among other things, this bill: requires that boards waive the licensure application fee and the initial or original license fee for specified applicants; amends provisions related to foreign dental schools; authorizes the Dental Board of California to charge specified fees; amends the firearms permit assessment requirements; deletes the practical examination requirement for registered dental assistants in extended functions license applicants; authorizes fee increases for applicants and licensees under the Contractors State License Board; increases, beginning January 1, 2023, the amount required for a contractor's bond for licensure; and strikes the "ability to benefit" test from the Bureau for Private Postsecondary Education statutes.

Healing Arts Legislation

**AB 468 (FRIEDMAN, CHAPTER 168, STATUTES OF 2021)
EMOTIONAL SUPPORT ANIMALS**

This bill prohibits a health care practitioner from providing documentation relating to an individual's need for an emotional support dog that is not a service dog unless the health care practitioner complies with specified requirements. This bill also requires a written notice by a seller of emotional support animals, and associated certificates or equipment, that they do not have the same rights as service dogs. Individuals who violate the provisions of this bill may be charged with a misdemeanor.

AB 1477 (CERVANTES, CHAPTER 535, STATUTES OF 2021) MATERNAL MENTAL HEALTH

This bill specifies that a licensed health care practitioner who provides interpregnancy care for a patient must ensure that the mother is offered screening for maternal mental health conditions.

**SB 306 (PAN, CHAPTER 486, STATUTES OF 2021)
SEXUALLY TRANSMITTED DISEASES: TESTING**

This bill allows a physician, nurse practitioner, certified nurse-midwife, or physician assistant to prescribe medication, labeled "expedited partner therapy," to a patient's unnamed sexual partner or partners without examining those individuals. This bill also authorizes a pharmacist to dispense a drug without the name of an individual for whom the drug is intended if the prescription includes the words "expedited partner therapy" or the letters "EPT." Additionally, health care providers engaged in prenatal care will be required to provide syphilis screening and testing as recommended by Department of Public Health guidelines.

**SB 380 (EGGMAN, CHAPTER 542, STATUTES OF 2021)
END OF LIFE**

This bill makes several changes to the End of Life Option Act, including extending the sunset provision date, reducing the waiting period between the two required verbal requests for patients seeking aid in dying, and eliminating the requirement that an individual who is prescribed and ingests aid-in-dying medication make a final attestation. The bill also clarifies the minimum actions that must be taken by physicians who morally object to aid in dying.

Overview of Reported Information

DCA's regulatory boards and bureaus protect the public by licensing, registering, certifying, or approving individuals or businesses in various professions. These entities also investigate complaints and discipline license holders who violate practice requirements.

In this *Annual Report*, each DCA entity notes its accomplishments and new laws or regulations extending through the 2021 calendar year. Statistical information presented in licensing and enforcement activity is data from fiscal year 2020–21. Entities vary in the data they report because they are governed by different laws, and therefore, not all categories of data apply to all entities. If a category does not apply, the table will indicate "N/A" or "0."

This is an overview of the information included.

STAFF

The number of civil service positions and the number of exempt positions approved in the state budget (including vacancies). Exempt employees are executive-level personnel (usually an executive officer or a bureau chief) appointed by the board, the DCA director, or the governor.

LICENSES

The total number of licenses, permits, certificates, and approvals. Totals for each type of license or permit can be found in the Licensing Population by Type.

BOARD MEMBERSHIP

Boards are semiautonomous entities. Members of a board are usually split between people representing the profession and people representing the public. Board members are appointed by the governor, the Senate Rules Committee, or the speaker of the Assembly. The number of board members, who they represent, and who appoints them is set in state law. Membership on a DCA board is not a salaried position. Those who serve receive a small stipend and travel expenses to attend meetings.

BOARD STAFF

Board leadership and/or management title, name, and email address.

LAWS AND REGULATIONS

The laws and regulations governing the board, bureau, program, or commission.

SUNSET REVIEW

The evaluation dates to determine the need, effectiveness, and performance of the board, bureau, program, or commission.

BUREAU ADVISORY COMMITTEE MEMBERSHIP

Bureaus, committees, programs, and commissions are under the direct control of DCA, but may have an advisory committee made up of professionals and public members.

RECIPROCITY

Some of DCA's boards and bureaus allow license reciprocity, which refers to a mutual agreement between states whereby a licensee holding a license in his or her home state can successfully apply for a license in another state without having to take that state's exam, pre-licensing course, or meet other standards or requirements.

ACCOMPLISHMENTS

A narrative provided by DCA's boards and bureaus, which highlights accomplishments during the fiscal year.

NEW LEGISLATION

Newly enacted legislation that affects the board, consumers, licensees, and/or applicants.

LICENSE REQUIREMENTS

Requirements for licensure in the state of California.

FEES

List of most associated fees.

SUMMARY OF LICENSING ACTIVITY

INITIAL LICENSES/CERTIFICATES/PERMITS

The number of initial applications, the number of licenses issued, and the number of licenses renewed.

LICENSING POPULATION BY TYPE

Total number of certificates/permits, licenses/registrations, or approvals by type.

OVERVIEW OF STATISTICAL INFORMATION (CONTINUED)

RENEWAL AND CONTINUING EDUCATION

How often a license must be renewed and how many hours of continuing education, if any, are required for renewal.

EXAMINATION RESULTS

The number of candidates who passed or failed an exam for licensure.

SUMMARY OF ENFORCEMENT ACTIVITY**CONSUMER COMPLAINTS—INTAKE**

These include complaints from the public, government, law enforcement, licensed professional groups, internal staff, others, or anonymous sources. DCA defines a complaint as, "an allegation or inquiry from any source indicating a probable violation of any law, rule, or order of any regulatory agency, including violations of the Business and Professions Code relating to businesses and professions licensed by any entity of the Department of Consumer Affairs."

CONVICTION/ARREST NOTIFICATION COMPLAINTS

Convictions, applicant-reported convictions, or subsequent arrests are listed. "Pending" includes all conviction/arrest notification complaints pending at the end of the fiscal year regardless of the date the complaint was received.

INSPECTIONS (IF APPLICABLE)

The total number of inspections conducted during the fiscal year. The total includes initial, routine, complaint-driven, and follow-up inspections, and the number of citations issued because of an inspection.

INVESTIGATIONS

An investigation is defined as the collection and verification of facts to determine jurisdiction and potential violations of law. Investigations begin as soon as they are assigned. The number reported includes desk investigations and field investigations. Some cases may have been opened in a prior year.

NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

The timeline begins from the date the complaint was received to the date the investigation was closed.

CITATIONS AND FINES

These numbers show citations issued with or without an administrative fine, and citations withdrawn or dismissed. The average refers to the average number of days from the date the complaint was received to the date a citation was issued.

TOTAL AMOUNT OF FINES

Amount assessed, reduced, and collected.

CRIMINAL/CIVIL ACTIONS

These are referrals to or filings by a district attorney or city attorney for criminal or civil action. These may include misdemeanor citations. A referral may be made both to the district attorney and the Office of the Attorney General and will be reflected in both categories.

OFFICE OF THE ATTORNEY GENERAL/DISCIPLINARY ACTIONS

Complaints and investigations in which the evidence and facts have substantiated a violation of the law are referred to the attorney general for disciplinary action. Outcomes of disciplinary action may affect the status of a professional's license.

NUMBER OF DAYS TO COMPLETE ATTORNEY GENERAL CASES

This table refers to the number of closed cases in the description above. The timeline covers from the date the complaint was received to the date the order became effective.

FORMAL ACTIONS FILED/WITHDRAWN/DISMISSED

All actions filed, withdrawn, or dismissed during the fiscal year.

ADMINISTRATIVE OUTCOMES/FINAL ORDERS

Disciplinary action taken in the cases closed by the attorney general.

PETITION FOR MODIFICATION OR TERMINATION OF PROBATION

Outcome of petitions by licensees to reduce terms and conditions of probation or to terminate probation early.

PETITION FOR REINSTATEMENT OF REVOKED LICENSE/REGISTRATION/CERTIFICATION

The outcome of petitions by individuals requesting reinstatement.

COST RECOVERY

Total dollar amount of administrative costs ordered repaid to boards and bureaus. Costs ordered may never be received.

RESTITUTION TO CONSUMERS/REFUNDS/SAVINGS (IF APPLICABLE)

The total of court-ordered restitution to consumers as a result of mediation efforts. In some instances, services were performed without charge to the consumer, a consumer's bill was reduced, or a product was returned or exchanged.



Licenses and regulates certified public accountants and public accountancy firms.

www.dca.ca.gov/cba

STAFF:

98.9 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

67,610

BOARD MEMBERSHIP:

8 public representatives
7 licensees

BOARD STAFF:

Executive Officer: Patti Bowers
patti.bowers@cba.ca.gov

Assistant Executive Officer: Deanne Pearce
deanne.pearce@cba.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 5000–5158

California Code of Regulations, Division 1,
title 16, §§ 1–99.2

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code sections 5096–5096.22, qualified out-of-state certified public accountants (CPAs) may participate in the Board's mobility program and practice public accountancy in California without providing notice or paying a fee. All CPAs practicing in California under the mobility program are subject to the disciplinary authority of the Board and, if applicable, must self-report certain disqualifying events and cease practicing in the state until authorized by the Board.

ACCOMPLISHMENTS

Business Modernization

The Board continues to make progress on modernizing its licensing processes. In April, the Board launched its new online application for CPA licensure. CPA licensing applicants can now submit a complete application, upload, and attach supporting documents (experience forms or proof of military service), and pay the application and initial license fees online with a credit card.

To complement the online application submission process, the Board developed and launched an online dashboard for CPA licensing applicants. After receipt of a licensing application, either online or via mail, applicants can log into their dashboard to monitor the status of the application. The Board also implemented a process to allow applicants to submit their college transcripts electronically if their school provides this option.

The next phase of the business modernization efforts will focus on further automating the license renewal process and enhancing the current option for submitting an online complaint.

Pathways to Licensure

The Board enhanced information to assist military, refugee, asylee, and special immigrant visa holders. The Board has historically had information on its website to assist members of the military and their families. Over the past year, this information was updated, expanded, and reorganized. In addition, a new tab was established on the Board's website, accessible from the home page, to provide a direct link to the new services available. The Board also designated a staff member specifically to assist and provide expedited services to military and refugee applicants.

Enforcement Program

The Enforcement Division received 2,729 complaints and closed 2,692 investigations. Of the total 2,692 investigations closed in fiscal year 2020–21, 2,076, or 77%, were closed within six months from the initial complaint investigation date. Further, 2,546 investigations, or 95%, were closed within one year.

In November 2020, an accounting firm received a stipulated settlement and disciplinary order for violations of the Accountancy Act. As part of the settlement, the Board required the firm to develop four hours of continuing education on the subject of ethics. Once approved by the Board, all of the firm's California-licensed personnel must complete the continuing education in ethics in addition to the standard required continuing education. In addition, the new course will be made available to all California CPAs at no cost. The inclusion of this continuing education component advances the Board's mission of consumer protection by reinforcing the importance of ethics in the accounting profession.

Outreach and Communication Activities

The Board worked with five universities to perform six virtual outreach events during 2020–21 designed to inspire and educate students on how and why they should pursue CPA licensure after graduation. These outreach events reached more than 400 students. Board President Nancy J. Corrigan, CPA, and Board staff discussed the requirements for the Uniform Examination (CPA Exam) and CPA licensure, as well as the changes to the CPA Exam coming in 2024 with CPA Evolution, an initiative led by the American Institute of CPAs and the National Association of State Boards of Accountancy to revamp the CPA licensure model in response to the profession's rapidly changing skills and competency needs.

Board staff worked with DCA to develop the first of what will be a series of videos to assist stakeholders. The first video promotes the new online application features on the Board website. Future videos will focus on the examination and licensure process and support the Board and advisory committee recruitment efforts.

To increase transparency to applicants for the CPA Exam and CPA licensure, the Board posted weekly application processing time updates to its website and social media pages. Additional website updates included enhancing the license lookup for disciplinary matters, unlicensed activity reporting abilities, and easy email registration opportunities.

Social Media Growth

The Board's Facebook, Twitter, and LinkedIn social media pages added nearly 1,600 followers during 2020–21, an increase of 20% over the prior year. Social media posts

in the past year have ranged from weekly updates of application processing dates and announcements of the new online application to messages coordinated with the Governor's Office. Public messages included raising awareness of the COVID-19 vaccines and encouraging Californians to conserve energy during Flex Alerts.

NEW LEGISLATION

AB 298 (Irwin, Chapter 300, Statutes of 2021) allows applicants to take the Uniform Certified Public Accountant Exam in a specified timeline prior to completing their educational requirements and would allow broader coursework options for applicants to meet ethics study requirements, for the purposes of licensure by the Board. This bill also clarifies the process for who is the presiding officer at Board meetings in the absence of the president and vice president and clarifies privacy protections for the email addresses of applicants, licensees seeking renewal, and permit holders.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
NATIONAL ASSOCIATION OF STATE BOARDS OF ACCOUNTANCY (NASBA) UNIFORM CPA EXAMINATION (CPA EXAM) FEE	\$904.60	SET BY NASBA
CPA EXAM APPLICATION FEE	\$100	\$600
APPLICATION FEE FOR CPA LICENSURE	\$250	\$250
CPA LICENSE ISSUANCE FEE—2-YEAR	\$250	\$280
TOTAL INITIAL LICENSE FEES	\$1,504.60	N/A
REPEAT CPA EXAM FEE	\$50	\$75
CPA BIENNIAL RENEWAL FEE	\$250	\$280
CPA APPLICATION FEE—RETIRED STATUS	\$75	\$250
CPA RESTORATION FEE—RETIRED STATUS	\$50	\$1,000
APPLICATION FEE FOR ACCOUNTANCY FIRM (PARTNERSHIP OR CORPORATION)	\$150	\$250
LICENSE ISSUANCE FEE FOR ACCOUNTANCY FIRM (PARTNERSHIP OR CORPORATION)	\$250	\$280
ACCOUNTANCY FIRM: BIENNIAL RENEWAL	\$250	\$280

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
CORPORATION	209	243	1,951
FICTITIOUS NAME PERMIT	91	107	376
CERTIFIED PUBLIC ACCOUNTANT	3,577	4,046	43,945
PARTNERSHIP	52	60	579
OUT-OF-STATE FIRM REGISTRATION	84	67	133
PUBLIC ACCOUNTANT	0	0	2
TOTAL	4,013	4,523	46,986

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
CORPORATION	0	4,357	0
FICTITIOUS NAME PERMIT	0	2,577	0
CERTIFIED PUBLIC ACCOUNTANT	0	58,525	0
PARTNERSHIP	0	1,357	0
OUT-OF-STATE FIRM REGISTRATION	0	790	0
PUBLIC ACCOUNTANT	0	4	0
TOTAL	0	67,610	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
CERTIFIED PUBLIC ACCOUNTANT	EVERY 2 YEARS	80
PUBLIC ACCOUNTANT	EVERY 2 YEARS	80
CORPORATION	EVERY 2 YEARS	0
PARTNERSHIP	EVERY 2 YEARS	0
FICTITIOUS NAME PERMIT	EVERY 5 YEARS	0
OUT-OF-STATE FIRM REGISTRATION	EVERY 2 YEARS	0

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
UNIFORM CERTIFIED PUBLIC ACCOUNTANT EXAMINATION*	2,786	0	2,786

*The Uniform CPA Examination (CPA Exam) consists of four sections—auditing and attestation, business environment and concepts, financial accounting and reporting, and regulation. A candidate must successfully complete all four sections within 18 months to pass the CPA Exam. The number provided represents the total number of candidates who successfully completed all sections and passed the CPA Exam. Because the CPA Exam consists of four sections, the number of individuals who failed the CPA Exam is not available. However, the Board can provide the number of failed sections that comprise the CPA Exam, which is 11,831.

Summary of Enforcement Activity

Consumer Complaints—Intake	
2,472	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
2,472	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
257	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
257	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
2,729	OPENED
2,692	CLOSED
779	PENDING

Number of Days to Complete Intake and Investigations	
1,497	UP TO 90 DAYS
579	91 TO 180 DAYS
470	181 DAYS TO 1 YEAR
122	1 TO 2 YEARS
19	2 TO 3 YEARS
5	OVER 3 YEARS
119	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
376	ISSUED
376	ISSUED WITH A FINE
59	WITHDRAWN
0	DISMISSED
192	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$117,800	ASSESSED
\$6,000	REDUCED
\$52,100	COLLECTED

Criminal/Civil Actions

2	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

37	CASES OPENED/INITIATED
41	CASES CLOSED
36	CASES PENDING

Number of Days to Complete Attorney General Cases

4	UP TO 1 YEAR
14	1 TO 2 YEARS
12	2 TO 3 YEARS
11	OVER 3 YEARS
915	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
44	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

1	LICENSE APPLICATIONS DENIED
39	REVOCATION
6	SURRENDER OF LICENSE
3	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
1	OTHER DECISIONS
50	TOTAL

Petition for Modification or Termination of Probation

2	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

1	GRANTED
1	DENIED

Cost Recovery

\$188,838.28	ORDERED
\$219,496.01	COLLECTED

Restitution to Consumers/Refunds/Savings

\$1,646,000	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$1,646,000	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

113	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

411	AVERAGE NUMBER OF DAYS
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Licenses and regulates acupuncturists and acupuncture schools.

www.acupuncture.ca.gov

STAFF:

13 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

12,942

BOARD MEMBERSHIP:

4 public representatives
3 licensees

BOARD STAFF:

Executive Officer: Ben Bodea
ben.bodea@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 4925–4975

California Code of Regulations, Division 13.7,
title 16, §§ 1399.400–1399.489.2

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

Business Modernization

On September 16, 2020, the Acupuncture Board, in collaboration with the Department of Consumer Affairs, launched the first phase of its new Business Modernization system—AcuConnect. The Board rolled out subsequent phases over the rest of the fiscal year. The new system allowed for increased functionality for consumers, applicants, and licensees, such as online applications and license renewals. As of July 2021, the AcuConnect system has processed 2,551 acupuncture license renewals and successfully implemented a new license application process, including the issuance of 1,254 address specific wall licenses. During this period the AcuConnect system collected \$1,974,628 of revenue.

Strategic Plan

The Board continues work on its 2018–2022 Strategic Plan goals. In the last year, the Board completed or made progress in two key areas. Under the authority of Governor Gavin Newsom’s Executive Order N-39-20 during the COVID-19 pandemic, the Board applied for a clinical education waiver permitting school supervisors to be present electronically rather than in person. In addition, the Board approved regulatory language for telehealth guidance beyond the COVID-19 pandemic.

Wall License

With the enactment of Assembly Bill 779 (Low, Chapter 308, Statutes of 2019), the Board implemented a new license type—the wall license—that issues a unique license number to each place of practice when registered by a licensee. This statutory authority provides additional tracking for enforcement purposes and supports the Board’s strategic plan goal to investigate the feasibility of obtaining site inspection authority.

Response to COVID-19

Under the authority of Governor Gavin Newsom’s Executive Order N-39-20 during the COVID-19 pandemic, the Board applied for a clinical education waiver permitting school supervisors to be present electronically rather than in person. In addition, the Board approved the creation of a regulatory package to provide telehealth guidance beyond the COVID-19 pandemic.

CALIFORNIA ACUPUNCTURE BOARD

Outreach

Outreach and communication improved with the use of Listserv emails, mail, and website announcements. A separate licensee Listserv list was established during the process.

The Board, in partnership with the Office of Professional Examination Services, conducted an occupational analysis of licensees for the California Acupuncture Licensing Examination with a participation rate of 23.6% of active licensees practicing in California.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPLICATION FEE	\$250	\$350
APPLICATION FEE FOR FOREIGN APPLICANTS	\$350	\$500
EXAMINATION FEE	\$800	\$800
INITIAL LICENSE FEE	\$271–\$500	\$500
BIENNIAL RENEWAL FEE	\$500	\$775

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
LICENSED ACUPUNCTURIST	296	296	5,944
WALL LICENSE	752	752	0
TOTAL	1,048	1,048	5,944

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
LICENSED ACUPUNCTURIST	N/A	12,190	N/A
WALL LICENSE	N/A	752	N/A
TOTAL	N/A	12,942	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
LICENSED ACUPUNCTURIST	EVERY 2 YEARS	50

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
CALIFORNIA ACUPUNCTURE LICENSING EXAM	304	106	410

Summary of Enforcement Activity

Consumer Complaints—Intake	
109	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
110	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
29	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
29	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
139	OPENED
174	CLOSED
204	PENDING

Number of Days to Complete Intake and Investigations

69	UP TO 90 DAYS
13	91 TO 180 DAYS
23	181 DAYS TO 1 YEAR
41	1 TO 2 YEARS
19	2 TO 3 YEARS
9	OVER 3 YEARS
347	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

22	ISSUED
22	ISSUED WITH A FINE
0	WITHDRAWN
1	DISMISSED
541	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$33,780	ASSESSED
\$350	REDUCED
\$17,330	COLLECTED

Criminal/Civil Actions

5	REFERRALS FOR CRIMINAL/CIVIL ACTION
1	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

13	CASES OPENED/INITIATED
14	CASES CLOSED
16	CASES PENDING

Number of Days to Complete Attorney General Cases

1	UP TO 1 YEAR
7	1 TO 2 YEARS
1	2 TO 3 YEARS
5	OVER 3 YEARS
866	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
7	ACCUSATIONS FILED
4	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
3	REVOCATION
5	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
5	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
14	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$273,866.40	ORDERED
\$40,424.37	COLLECTED

Restitution to Consumers/Refunds/Savings

\$516,958.24	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$516,958.24	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

5	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

344	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

454	AVERAGE NUMBER OF DAYS
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Certifies and monitors third-party arbitration programs of participating automobile manufacturers to ensure they comply with California law on new vehicle warranties and state-certified arbitration programs.

www.dca.ca.gov/acp

www.lemonlaw.ca.gov

STAFF:

8 civil servant positions
0 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

N/A

STAFF:

Chief: Christy Bell
christy.bell@dca.ca.gov

Deputy Chief: Jose Escobar
jose.escobar@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 472–472.5

Commercial Code §§ 2101–2801

Health and Safety Code §§ 43204–43205.5

Civil Code §§ 1790–1795.93

Vehicle Code §§ 11700–11909

California Code of Regulations, Division 33.1,
title 16, §§ 3396.1–3399.6

SUNSET REVIEW:

The Arbitration Certification Program is not subject to sunset review because it is neither a board nor bureau.

Program Highlights

RECIPROCITY

The Program does not have reciprocity.

ACCOMPLISHMENTS

Outreach Activity

The Program continues its public outreach by distributing two brochures—"California's Certified Arbitration Programs" and "California's Lemon Law Q&A"—to vehicle owners. In 2020, the Program distributed 2,317 brochures to help guide consumers through the state-certified Lemon Law arbitration process.

The Program held site visits, via teleconference, with all 20 state-certified manufacturers and each of the three arbitration programs to conduct its mandated site inspections. These inspections consist of a comprehensive review of operations to ensure they remain in substantial compliance with California statutes and regulations. In addition, they provided the Program with opportunities to review records and operations, including records of individual disputes, Program staff interviews, and current trends and issues.

Savings to Consumers

The Program facilitated the return in excess of \$14.3 million to consumers through refunds, replacement vehicles, extended service contracts, and repairs awarded by state-certified arbitration programs.

NEW LEGISLATION

There was no enacted legislation solely related to the Program in 2021.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N/A
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N/A
EXAMINATION	N/A
CONTINUING EDUCATION/COMPETENCY	N/A
FINGERPRINT REQUIREMENT	N/A

Fees

License Type	Actual Fee	Statutory Limit
N/A	N/A	N/A

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
N/A	N/A	N/A	N/A

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
N/A	N/A	N/A	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
N/A	N/A	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
N/A	N/A	N/A	N/A

Summary of Enforcement Activity

Consumer Complaints—Intake	
132	RECEIVED
106	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
26	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
N/A	RECEIVED
N/A	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
N/A	REFERRED FOR INVESTIGATION
N/A	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
N/A	OPENED
N/A	CLOSED
N/A	PENDING

Number of Days to Complete Intake and Investigations	
N/A	UP TO 90 DAYS
N/A	91 TO 180 DAYS
N/A	181 DAYS TO 1 YEAR
N/A	1 TO 2 YEARS
N/A	2 TO 3 YEARS
N/A	OVER 3 YEARS
N/A	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
N/A	ISSUED
N/A	ISSUED WITH A FINE
N/A	WITHDRAWN
N/A	DISMISSED
N/A	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

ARBITRATION CERTIFICATION PROGRAM

Total Amount of Fines

N/A	ASSESSED
N/A	REDUCED
N/A	COLLECTED

Criminal/Civil Actions

N/A	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

N/A	CASES OPENED/INITIATED
N/A	CASES CLOSED
N/A	CASES PENDING

Number of Days to Complete Attorney General Cases

N/A	UP TO 1 YEAR
N/A	1 TO 2 YEARS
N/A	2 TO 3 YEARS
N/A	OVER 3 YEARS
N/A	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

N/A	STATEMENTS OF ISSUES FILED
N/A	ACCUSATIONS FILED
N/A	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
N/A	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
N/A	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

N/A	LICENSE APPLICATIONS DENIED
N/A	REVOCATION
N/A	SURRENDER OF LICENSE
N/A	PROBATION WITH SUSPENSION
N/A	SUSPENSION ONLY
N/A	PROBATION ONLY
N/A	PUBLIC REPRIMAND
N/A	OTHER DECISIONS
N/A	TOTAL

Petition for Modification or Termination of Probation

N/A	GRANTED
N/A	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

N/A	GRANTED
N/A	DENIED

Cost Recovery

N/A	ORDERED
N/A	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
N/A	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

N/A	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

N/A	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

N/A	AVERAGE NUMBER OF DAYS
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Licenses and regulates architects and protects consumers of architectural services and the people who inhabit or use the structures that architects design.

www.cab.ca.gov

STAFF:

23.8 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

22,013

BOARD MEMBERSHIP:

5 public representatives
5 licensees

BOARD STAFF:

Executive Officer: Laura Zuniga
laura.zuniga@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 5500–5610.7

California Code of Regulations, Division 2,
title 16, §§ 100–160

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

Pursuant to title 16, California Code of Regulations, Division 2, section 121, reciprocity applicants must hold a current and valid license in a qualifying jurisdiction, provide verification of eight years of combined education and work experience, meet the licensing requirements equivalent to those in California, and successfully complete the California Supplemental Examination.

ACCOMPLISHMENTS

Publications

In December 2020, the Office of Professional Examination Services completed the “Occupational Analysis of the Architect Profession” (OA). The OA defines practice for architects in terms of the actual tasks that newly licensed architects must be able to perform safely and competently at the time of licensure and supports the development of the California Supplemental Examination.

In February, the Board updated the “Building Official Information Guide” and distributed the guide to building departments.

In March, the Board published the “2020 Practice Brief” to provide the public with a snapshot of the Board’s yearly activities with a focus on the most common violations and architect examination results. This information, especially enforcement data—complaints, violations, and fines—provides awareness to help both consumers and architects.

Consumer Protection

In January, the Board implemented a new fingerprinting requirement for all applicants for licensure to protect consumers.

Outreach

Board staff attended several National Council of Architectural Registration Boards (NCARB) virtual outreach events with California universities to provide information on both NCARB and California-specific requirements for licensure.

Organizational Effectiveness and Customer Service

The Board reduced wait times for candidates and licensees who submit incomplete applications by contacting them directly and developing a standardized letter to assist them in completing the applications correctly.

Business Modernization

The Board collaborated with DCA's SOLID and Office of Information Services to complete the functional requirements document for the Business Modernization Plan and previewed vendor demonstrations. Efforts continue toward identifying new licensing and enforcement technology that will provide enhanced functionality.

NEW LEGISLATION

AB 1010 (Berman, Chapter 176, Statutes of 2021)

requires architects to complete five hours of continuing education on zero net carbon design in order to renew their license, effective after January 1, 2023. The Board is required to adopt regulations to establish qualifications for zero net carbon design courses by July 1, 2024.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPLICATION FOR ELIGIBILITY EVALUATION	\$100	\$100
CALIFORNIA SUPPLEMENTAL EXAMINATION APPLICATION	\$100	\$100
INITIAL LICENSURE (PRORATED)	\$150–300	\$400
RENEWAL (BIENNIAL)	\$300	\$400
RECIPROCITY APPLICATION	\$35	\$100
DELINQUENCY FEE	\$100	\$200

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ARCHITECT	611	592	7,070
TOTAL	611	592	7,070

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ARCHITECT	0	22,013	0
TOTAL	0	22,013	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
DISABILITY ACCESS REQUIREMENTS	BIENNIAL	5

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
ARE 5.0			
CONSTRUCTION AND EVALUATION	561	439	1,000
PRACTICE MANAGEMENT	745	786	1,531
PROGRAMMING AND ANALYSIS	527	638	1,165
PROJECT DEVELOPMENT AND DOCUMENTATION	522	522	1,044
PROJECT MANAGEMENT	708	491	1,199
PROJECT PLANNING AND DESIGN	571	756	1,327
CALIFORNIA SUPPLEMENTAL EXAMINATION			
CSE	628	217	845

Summary of Enforcement Activity

Consumer Complaints—Intake	
228	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
228	REFERRED FOR INVESTIGATION
150	PENDING

Conviction/Arrest Notification Complaints	
0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

0	CONDUCTED
0	CITATIONS ISSUED

Investigations

228	OPENED
211	CLOSED
150	PENDING

Number of Days to Complete Intake and Investigations

99	UP TO 90 DAYS
31	91 TO 180 DAYS
50	181 DAYS TO 1 YEAR
28	1 TO 2 YEARS
0	2 TO 3 YEARS
3	OVER 3 YEARS
175	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

22	ISSUED
22	ISSUED WITH A FINE
0	WITHDRAWN
2	DISMISSED
328	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$64,250	ASSESSED
\$0	REDUCED
\$3,650	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

5	CASES OPENED/INITIATED
7	CASES CLOSED
6	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
1	1 TO 2 YEARS
5	2 TO 3 YEARS
1	OVER 3 YEARS
730	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
3	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
4	REVOCATION
0	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
2	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
7	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$54,374.50	ORDERED
\$1,353.13	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

156	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

328	AVERAGE NUMBER OF DAYS
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Licenses and regulates boxing, kickboxing, and mixed martial arts by licensing all participants and supervising the events. Also administers the Professional Boxer's Pension Fund.

www.dca.ca.gov/csac

STAFF:

7.5 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

1,033

COMMISSION MEMBERSHIP:

6 public representatives
1 physician representative

COMMISSION STAFF:

Executive Officer: Andy Foster
andy.foster@dca.ca.gov

Assistant Executive Officer: Sophia Cornejo
sophia.cornejo@dca.ca.gov

LAWS AND REGULATIONS:

Business and Profession Code §§18600–18887

California Code of Regulations, Division 2,
title 4, §§ 201–829

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Commission Highlights

RECIPROCITY

Applicants licensed in another state must meet or exceed the Commission's licensing requirements because no national governing body exists. However, medical examinations from other states by a licensed physician may be accepted if they are completed to the Commission's standards and requirements.

ACCOMPLISHMENTS

Response to COVID-19

During the COVID-19 pandemic, the Commission began holding officials training via live video conferencing. The Commission recognized a record-high number in attendance by officials from all over the world.

The Commission promulgated emergency regulations defining how to hold combative sporting events during a state of emergency caused by an infectious disease. The emergency regulations helped the Commission maintain essential health and safety practices for the Commission's employees and licensees.

In November 2020, the Commission regulated the "no public audience" Mike Tyson versus Roy Jones Jr. event, which reported a record number of pay-per-view purchases for a combat sports event broadcast from California.

NEW LEGISLATION

There was no enacted legislation solely related to the Commission in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
PROMOTER		
APPLICATION FEE	\$1,000	\$1,000
RENEWAL FEE (ANNUAL)	\$1,000	\$1,000
REFEREE/JUDGE		
APPLICATION FEE	\$150	\$150
RENEWAL FEE (ANNUAL)	\$150	\$150
TIMEKEEPER		
APPLICATION FEE	\$50	\$50
RENEWAL FEE (ANNUAL)	\$50	\$50
PROFESSIONAL ATHLETE		
APPLICATION FEE	\$60	\$60
RENEWAL FEE (ANNUAL)	\$60	\$60
MATCHMAKER		
APPLICATION FEE	\$200	\$200
RENEWAL FEE (ANNUAL)	\$200	\$200
SECOND		
APPLICATION FEE	\$50	\$50
MANAGER		
APPLICATION FEE	\$150	\$150
RENEWAL FEE (ANNUAL)	\$150	\$150
PROFESSIONAL TRAINER		
APPLICATION FEE	\$200	\$200
RENEWAL FEE (ANNUAL)	\$200	\$200
FEDERAL ID CARDS		
APPLICATION FEE	\$20	\$20
RENEWAL FEE (EVERY 4 YEARS)	\$20	\$20
NATIONAL MMA ID CARDS		
APPLICATION FEE	\$20	\$20
RENEWAL FEE (EVERY 5 YEARS)	\$20	\$20
GATE FEE	5% OF GATE REVENUE	\$100,000
TELEVISION/BROADCAST FEE	5% OF TV/ BROADCAST CONTRACT	\$35,000

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
MANAGER	120	25	95
MATCHMAKER	9	2	7
PROFESSIONAL ATHLETE	295	295	N/A
PROFESSIONAL TRAINER	14	7	7
PROMOTER	23	6	17

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
REFEREE/JUDGE	75	0	75
SECOND	488	488	N/A
TIMEKEEPER	9	0	9
TOTAL	1,033	823	210

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
MANAGER	N/A	120	N/A
MATCHMAKER	N/A	9	N/A
PROFESSIONAL ATHLETE	N/A	295	N/A
PROFESSIONAL TRAINER	N/A	14	N/A
PROMOTER	N/A	23	N/A
REFEREE/JUDGE	N/A	75	N/A
SECOND	N/A	488	N/A
TIMEKEEPER	N/A	9	N/A
TOTAL	N/A	1,033	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PROMOTER	ANNUAL	N/A
REFEREE/JUDGE	ANNUAL	N/A
TIMEKEEPER	ANNUAL	N/A
PROFESSIONAL ATHLETE	ANNUAL	N/A
MATCHMAKER	ANNUAL	N/A
SECOND	ANNUAL	N/A
MANAGER	ANNUAL	N/A
PROFESSIONAL TRAINER	ANNUAL	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
N/A			

Summary of Enforcement Activity

Consumer Complaints—Intake	
0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

CALIFORNIA STATE ATHLETIC COMMISSION

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
0	OPENED
0	CLOSED
0	PENDING

Number of Days to Complete Intake and Investigations	
N/A	UP TO 90 DAYS
N/A	91 TO 180 DAYS
N/A	181 DAYS TO 1 YEAR
N/A	1 TO 2 YEARS
N/A	2 TO 3 YEARS
N/A	OVER 3 YEARS
N/A	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
4	ISSUED
4	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
10	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$31,200	ASSESSED
\$0	REDUCED
\$27,500	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
0	CASES OPENED/INITIATED
0	CASES CLOSED
0	CASES PENDING

Number of Days to Complete Attorney General Cases	
0	UP TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
0	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
4	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
4	TOTAL

Petition for Modification or Termination of Probation	
0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
0	GRANTED
0	DENIED

Cost Recovery	
\$0	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings	
N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment	
N/A	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
0	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
0	AVERAGE NUMBER OF DAYS

CSAC's executive officer is authorized to temporarily suspend a license until final determination without referring the matter to the Attorney General's office.

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

Licenses and regulates the business operations of automotive repair dealers, Smog Check stations and technicians, and brake and lamp stations and adjusters. Administers the Smog Check and Consumer Assistance programs to reduce air pollution produced by motor vehicles.

www.bar.ca.gov

STAFF:

608.4 civil servant positions
2 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

70,104

ADVISORY GROUP MEMBERSHIP:

14 BAR Advisory Group Members
9 Educational Advisory Group Members

BUREAU STAFF:

Chief: Patrick Dorais
patrick.dorais@dca.ca.gov

Deputy Chief: Linda Janssen
linda.janssen@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 9880–9889.68

Health and Safety Code §§ 44000–44127

California Code of Regulations, Division 33,
title 16, §§ 3300–3395.5

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS**Consumer Protection**

The Bureau referred 309 cases for prosecution by the Attorney General's Office in response to licensee violations of the Automotive Repair Act and/or Smog Check Program. The Bureau also mediated over 14,000 complaints, resulting in nearly \$5 million in restitution to consumers.

Reducing Vehicle Emissions

The Bureau continued to develop innovative strategies to promote quality Smog Check services and achieve the state's clean air goals. The Bureau conducted 4,587 equipment inspections at Smog Check stations to ensure consistent and accurate emissions testing of vehicles statewide. The Bureau also collected emissions data from over 76,500 vehicles to measure Smog Check program performance. The annual Smog Check Performance Report illustrates the program's continued success in reducing vehicle emissions.

Smog Check Fraud Prevention

The Bureau rejected the issuance of 2,933 Smog Check certificates through data analysis that detects the use of an external device attempting to fraudulently certify a vehicle's compliance with emissions standards.

Website Enhancements

The Bureau launched the Auto Shop Locator, a mobile-friendly search tool that allows consumers to easily find licensed stations providing auto repair and other services in their geographic area. The locator clearly identifies licensees that are on probation or the subject of a pending disciplinary action. The Bureau also released an updated website with a new design and easy access to information on programs and topics of interest, such as maintenance tips, warranties, and safety recalls.

Consumer Financial Assistance

The Bureau retired 47,042 vehicles and provided financial assistance to repair the emissions systems of 3,567 vehicles. Emergency regulations adopted by the Bureau increased the state's contribution toward emissions repairs from a maximum of \$500 to \$1,200.

NEW LEGISLATION

AB 471 (Low, Chapter 372, Statutes of 2021) on or after July 1, 2023, authorizes the director of the Department of Consumer Affairs (DCA) to include a process for informal

BUREAU OF AUTOMOTIVE REPAIR

review and recommendation on citations issued by the Bureau. This bill authorizes DCA's director to establish, until July 1, 2026, a process for an automotive repair dealer to prevent disclosure of a citation on the internet upon successful remedial training and requires the director to establish via regulation a program to certify providers of remedial training. This bill requires the director to issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections and repairs to safety systems of vehicles and adopt regulations to develop inspection criteria and standards. This bill also requires the director to adopt regulations for the vehicle safety systems inspection license. This bill requires the regulations to be adopted by January 1, 2024.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	N

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
AUTOMOTIVE REPAIR DEALER		
APPLICATION FEE	\$200	\$200
RENEWAL FEE (ANNUAL)	\$200	\$200
SMOG CHECK STATION		
APPLICATION FEE	\$100	REASONABLE COST
RENEWAL FEE (ANNUAL)	\$100	REASONABLE COST
BRAKE AND/OR LAMP STATION		
APPLICATION FEE	\$10	\$10
RENEWAL FEE (ANNUAL)	\$5	\$5
SMOG CHECK INSPECTOR AND/OR REPAIR TECHNICIAN		
APPLICATION FEE	\$20	REASONABLE COST
EXAM FEE	\$45	REASONABLE COST
TOTAL INITIAL LICENSE FEES	\$65	N/A
RENEWAL FEE (BIENNIAL)	\$20	REASONABLE COST
BRAKE AND/OR LAMP ADJUSTER		
APPLICATION FEE	\$10	\$10
RENEWAL FEE (FOUR YEARS)	\$5	\$5

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
AUTOMOTIVE REPAIR DEALER	3,233	2,729	32,077
SMOG CHECK TEST AND REPAIR STATION	351	312	4,269
SMOG CHECK TEST ONLY STATION	240	209	1,792
SMOG CHECK REPAIR ONLY STATION	5	4	37
BRAKE AND LAMP STATION	182	150	1,641
SMOG CHECK INSPECTOR	1,327	633	5,931
SMOG CHECK REPAIR TECHNICIAN	613	254	2,706
BRAKE AND LAMP ADJUSTER	1,235	289	265
STAR PROGRAM CERTIFICATION	495	250	N/A
TOTAL	7,681	4,830	48,718

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
AUTOMOTIVE REPAIR DEALER	N/A	35,468	N/A
SMOG CHECK TEST AND REPAIR STATION	N/A	4,616	N/A
SMOG CHECK TEST ONLY STATION	N/A	1,971	N/A
SMOG CHECK REPAIR ONLY STATION	N/A	41	N/A
BRAKE AND LAMP STATION	N/A	1,727	N/A
SMOG CHECK INSPECTOR	N/A	13,685	N/A
SMOG CHECK REPAIR TECHNICIAN	N/A	6,786	N/A
BRAKE AND LAMP ADJUSTER	N/A	1,978	N/A
STAR PROGRAM CERTIFICATION	3,832	N/A	N/A
TOTAL	3,832	66,272	N/A

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
AUTOMOTIVE REPAIR DEALER	ANNUAL	N/A
SMOG CHECK TEST AND REPAIR STATION	ANNUAL	N/A
SMOG CHECK TEST ONLY STATION	ANNUAL	N/A
SMOG CHECK REPAIR ONLY STATION	ANNUAL	N/A
BRAKE AND LAMP STATION	ANNUAL	N/A
SMOG CHECK INSPECTOR	EVERY 2 YEARS	4 HOURS
SMOG CHECK REPAIR TECHNICIAN	EVERY 2 YEARS	16 HOURS
BRAKE AND LAMP ADJUSTER	EVERY 4 YEARS	N/A
STAR PROGRAM CERTIFICATION	N/A	N/A

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
SMOG CHECK INSPECTOR	642	1,051	1,693
SMOG CHECK REPAIR TECHNICIAN	262	296	558
BRAKE ADJUSTER (CLASS A, B, C)	161	403	564
LAMP ADJUSTER	132	463	595

Summary of Enforcement Activity

Consumer Complaints—Intake

14,797	RECEIVED
91	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
14,686	REFERRED FOR INVESTIGATION
94	PENDING

Conviction/Arrest Notification Complaints

0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

9,595	CONDUCTED
781	CITATIONS ISSUED

Investigations

14,686	OPENED
14,010	CLOSED
1,896	PENDING

Number of Days to Complete Intake and Investigations

13,247	UP TO 90 DAYS
663	91 TO 180 DAYS
84	181 DAYS TO 1 YEAR
16	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
41	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

781	ISSUED
114	ISSUED WITH A FINE
3	WITHDRAWN
5	DISMISSED
6	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$135,000	ASSESSED
\$8,400	REDUCED
\$273,467	COLLECTED

Criminal/Civil Actions

31	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

309	CASES OPENED/INITIATED
267	CASES CLOSED
394	CASES PENDING

BUREAU OF AUTOMOTIVE REPAIR

Number of Days to Complete Attorney General Cases

44	UP TO 1 YEAR
152	1 TO 2 YEARS
44	2 TO 3 YEARS
27	OVER 3 YEARS
658	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

34	STATEMENTS OF ISSUES FILED
174	ACCUSATIONS FILED
3	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
11	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
10	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

15	LICENSE APPLICATIONS DENIED
542	REVOCATION
0	SURRENDER OF LICENSE
169	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
155	PROBATION ONLY
0	PUBLIC REPRIMAND
24	OTHER DECISIONS
905	TOTAL

Petition for Modification or Termination of Probation

7	GRANTED
2	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$1,903,017.94	ORDERED
\$899,972.96	COLLECTED

Restitution to Consumers/Refunds/Savings

\$32,500.14	RESTITUTION ORDERED
\$2,950,512.56	AMOUNT REFUNDED
\$915,968.72	REWORK AT NO CHARGE
\$1,058,906.08	ADJUSTMENTS/RETURNS/EXCHANGES
\$4,957,887.50	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

41	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

530	AVERAGE NUMBER OF DAYS
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Licenses and regulates barbers, cosmetologists, manicurists, estheticians, and electrologists, and the establishments where they work. Ensures the health and safety of California consumers by promoting ethical standards and enforcing beauty industry laws.

www.barbercosmo.ca.gov

STAFF:

82.1 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

615,304

BOARD MEMBERSHIP:

7 public representatives
6 licensees

BOARD STAFF:

Executive Officer: Kristy Underwood
kristy.underwood@dca.ca.gov

Assistant Executive Officer: Carrie Harris
carrie.harris@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 7301–7426.5

California Code of Regulations, Division 9,
title 16, §§ 900–999

SUNSET REVIEW:

Last review: 2021 Next review: 2026

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 7331, the Board grants a license to practice to an applicant if the applicant submits all of the following to the Board:

- A completed application form and all fees required by the Board.
- Proof of a current license issued by another state to practice that meets all of the following requirements:
 - » It is not revoked, suspended, or otherwise restricted.
 - » It is in good standing.
 - » It has been active for three of the last five years, during which time the applicant has not been subject to disciplinary action or a conviction.

ACCOMPLISHMENTS

Response to COVID-19

The COVID-19 pandemic greatly impacted the Board and the industry it regulates. The Board played a significant role in educating licensees and consumers on how to remain safe during the pandemic. The Board collaborated with various counties and agencies on education and enforcement.

The Board was able to transition to a virtual workforce as a result of the pandemic. In March 2020, all Board staff began telecommuting. The Board had to quickly re-engineer its business processes to allow for staff to telecommute while maintaining the security and integrity of its data. The Board was so successful in this transition, it was able to avoid any backlog in processing times. In addition, it has allowed the Board to institute permanent changes that will further the Board's goal to become paperless.

As part of the governor's Enforcement Task Force, the Board provided information to its licensees, conducted joint inspections with counties, and developed multilingual publications to inform licensees and consumers of valuable information, such as requirements on facial coverings, physical distancing, and disinfection practices.

The Board opened complaint cases regarding noncompliance with California Department of Public Health (CDPH) guidelines that originated at the county level and worked collaboratively with counties on inspections and investigations.

Communications and Outreach

The Board developed several publications for licensees and establishments that reinforced the importance of COVID-19 industry guidelines and staying safe during the pandemic. These publications were available in Spanish, Vietnamese, and Korean and distributed by Board inspectors, posted on the Board's website, and shared on the Board's social media platforms. Publications included:

- "Returning to Work Checklist."
- "Staying Safe During the Pandemic Checklist."
- Poster—"Please Wear A Face Mask."
- Postcard—Face covering reminder and COVID-19 website information.
- Flyer—"3 Steps to Reopening Your Establishment."

The Board also created a dedicated page on its website for COVID-19 information. The web page included the publications above, as well as links to the COVID-19 website, the CDPH website, California Division of Occupational Safety and Health industry guidelines, the federal Centers for Disease Control and Prevention website, and vaccine information.

The Board sent helpful safety-related COVID-19 emails to stakeholders in specific counties as well as general educational emails. The Board sent a total of over three million emails since July 2020. Board staff also directly called over 2,500 establishments to answer questions and provide information to licensees.

The Board participated in 13 Los Angeles County Department of Public Health telebriefings, two legislator town halls, one Orange County Public Health telebriefing, seven media and industry interviews, and four Board outreach events.

NEW LEGISLATION

SB 803 (Roth, Chapter 648, Statutes of 2021) extends the sunset date of the Board from January 1, 2022, to January 1, 2027. Other notable provisions include: (1) creates a new hairstyling license; (2) adds four members to the Board and specifies professions that must be represented on the Board; (3) establishes educational requirements for the specialty branches in cosmetology of skin and nail care; (4) reduces the minimum educational hours for barbering and cosmetology from 1,500 and 1,600 respectively to 1,000; (5) eliminates the practical exam; and (6) makes changes to the Board's externship program.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	N

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
BARBER/COSMETOLOGIST/ELECTROLOGIST		
PRE-APPLICATION FEE	\$9	ESTABLISHED BY THE BOARD
APPLICATION AND EXAMINATION FEE	\$75	ACTUAL COST TO BOARD
INITIAL LICENSURE FEE	\$50	\$50
TOTAL INITIAL LICENSURE FEES	\$134	N/A
LICENSE RENEWAL FEE	\$50	\$50
ESTHETICIAN		
PRE-APPLICATION FEE	\$9	ESTABLISHED BY THE BOARD
APPLICATION AND EXAMINATION FEE	\$75	ACTUAL COST TO BOARD
INITIAL LICENSURE FEE	\$40	\$40
TOTAL INITIAL LICENSURE FEES	\$124	N/A
LICENSE RENEWAL FEE	\$50	\$50
MANICURIST		
PRE-APPLICATION FEE	\$9	ESTABLISHED BY THE BOARD
APPLICATION AND EXAMINATION FEE	\$75	ACTUAL COST TO BOARD
INITIAL LICENSURE FEE	\$35	\$35
TOTAL INITIAL LICENSURE FEES	\$119	N/A
LICENSE RENEWAL FEE	\$50	\$50

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
BARBER	3,887	1,086	15,930
BARBER APPRENTICE	1,053	885	0
COSMETOLOGIST	9,794	3,160	153,140
COSMETOLOGY APPRENTICE	656	594	0
ELECTROLOGIST	65	26	744
ELECTROLOGY APPRENTICE	0	0	0
ESTABLISHMENT	6,948	6,366	24,806
ESTHETICIAN	8,186	2,892	44,895
MANICURIST	6,210	2,075	58,949
MOBILE UNIT	22	8	16
SCHOOLS	6	5	0
SPONSOR	1	1	0
TOTAL	36,828	17,098	298,480

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
BARBER	0	32,890	0
BARBER APPRENTICE	0	1,736	0
COSMETOLOGIST	0	304,259	0
COSMETOLOGY APPRENTICE	0	1,329	0
ELECTROLOGIST	0	1,580	0
ELECTROLOGY APPRENTICE	0	0	0
ESTABLISHMENT	0	55,059	0
ESTHETICIAN	0	91,478	0
MANICURIST	0	126,576	0
MOBILE UNIT	0	54	0
SCHOOLS	0	294	0
SPONSOR	0	49	0
TOTAL	0	615,304	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
BARBER	EVERY 2 YEARS	0
BARBER APPRENTICE	NO RENEWAL	0
COSMETOLOGIST	EVERY 2 YEARS	0
COSMETOLOGIST APPRENTICE	NO RENEWAL	0
ELECTROLOGIST	EVERY 2 YEARS	0
ELECTROLOGIST APPRENTICE	NO RENEWAL	0
ESTABLISHMENT	EVERY 2 YEARS	0
ESTHETICIAN	EVERY 2 YEARS	0
MANICURIST	EVERY 2 YEARS	0
MOBILE UNIT	EVERY 2 YEARS	0

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
BARBER PRACTICAL	1,115	454	1,569
BARBER WRITTEN EXAM	1,126	881	2,007
COSMETOLOGIST PRACTICAL	2,861	1,413	4,274
COSMETOLOGIST WRITTEN EXAM	2,852	1,890	4,742
ELECTROLOGIST PRACTICAL	29	1	30
ELECTROLOGIST WRITTEN EXAM	26	12	38
ESTHETICIAN PRACTICAL	3,003	759	3,762
ESTHETICIAN WRITTEN EXAM	3,003	951	3,954
MANICURING PRACTICAL	1,945	1,244	3,189
MANICURING WRITTEN EXAM	2,261	682	2,943
TOTAL	18,221	8,287	26,508

Summary of Enforcement Activity

Consumer Complaints—Intake	
6,756	RECEIVED
33	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
6,797	REFERRED FOR INVESTIGATION
75	PENDING

Conviction/Arrest Notification Complaints	
7	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
8	REFERRED FOR INVESTIGATION
0	PENDING

BOARD OF BARBERING AND COSMETOLOGY

Inspections	
1,827	CONDUCTED
1,118	CITATIONS ISSUED

Investigations	
6,805	OPENED
7,240	CLOSED
1,338	PENDING

Number of Days to Complete Intake and Investigations	
5,073	UP TO 90 DAYS
1,083	91 TO 180 DAYS
695	181 DAYS TO 1 YEAR
331	1 TO 2 YEARS
42	2 TO 3 YEARS
16	OVER 3 YEARS
93	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
1,104	ISSUED
704	ISSUED WITH A FINE
2	WITHDRAWN
7	DISMISSED
26	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$506,825	ASSESSED
\$80,250	REDUCED
\$1,264,924	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
19	CASES OPENED/INITIATED
48	CASES CLOSED
22	CASES PENDING

Number of Days to Complete Attorney General Cases	
7	UP TO 1 YEAR
29	1 TO 2 YEARS
12	2 TO 3 YEARS
0	OVER 3 YEARS
681	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
3	STATEMENTS OF ISSUES FILED
22	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
4	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
1	LICENSE APPLICATIONS DENIED
16	REVOCATION
7	SURRENDER OF LICENSE
23	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
3	PROBATION ONLY
0	PUBLIC REPRIMAND
1	OTHER DECISIONS
51	TOTAL

Petition for Modification or Termination of Probation	
0	GRANTED
1	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
5	GRANTED
5	DENIED

Cost Recovery	
\$122,155.31	ORDERED
\$97,490.88	COLLECTED

Restitution to Consumers/Refunds/Savings	
N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment	
4	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
90	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
320	AVERAGE NUMBER OF DAYS



Board of Behavioral Sciences

Licenses and regulates marriage and family therapists and associates, clinical social workers and associates, educational psychologists, and professional clinical counselors and associates.

www.bbs.ca.gov

STAFF:

61.7 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

125,928

BOARD MEMBERSHIP:

7 public representatives
6 licensees

BOARD STAFF:

Executive Officer: Steve Sodergren
steve.sodergren@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 4980–4999.129

California Code of Regulations, Division, title 16, 18, §§ 1800–1889.3

SUNSET REVIEW:

Last review: 2020 Next review: 2025

Board Highlights

RECIPROCITY

While the Board does not have true reciprocity, the Board does allow for license portability through a new licensure by credential pathway established by SB 679 (Bates, Chapter 380, 2019). This innovative approach provides a streamlined application process for out-of-state licensed marriage and family therapists, licensed clinical social workers, and licensed professional clinical counselors to become licensed in California. To apply for a license under this pathway the following requirements must be met:

- The applicant must hold a license in another U.S. jurisdiction for at least two years.
- The license must be current, as well as active and unrestricted for at least two years immediately before the date an application is submitted to the Board.
- The license must be the highest level for independent clinical practice in that jurisdiction.
- The degree that qualified the applicant for the license is a master's or doctoral degree obtained from a school holding a regional or national institutional accreditation recognized by the U.S. Department of Education, or a school approved by the California Bureau for Private Postsecondary Education.

Additionally, the applicant must take and pass the California Board of Behavioral Sciences' Law and Ethics Examination and complete additional continuing education in specific coursework.

ACCOMPLISHMENTS

Telehealth Committee

The Board established a Telehealth Committee to determine if any of the Board's statutes and regulations related to the practice of telehealth by its licensees, registrants, and trainees need to be updated or clarified. Topics of discussion will include the use of telehealth and remote supervision, consumer protection and outreach, online therapy platforms, and interstate compacts.

Licensing Committee

The Board established a Licensing Committee to conduct in-depth discussions about several topics related to the licensing process. Discussions will include the exam process for registrants, the six-year limitation for working in private practice, and gaining supervised hours.

New and Updated Publications

The Board released new handbooks designed to assist applicants for licensed marriage and family therapist, licensed clinical social worker, and licensed professional clinical counselor (three separate handbooks). Each contains an overview of the licensure process and information to help applicants avoid common pitfalls when applying. These handbooks are available on the Board's website.

The Board updated its "Self-Empowerment: How to Choose a Mental Health Professional" booklet. This booklet contains information about how to choose a therapist, what to expect from a therapist, and a client's rights. This publication was translated into 11 languages and is also available on the Board's website.

Outreach

Since January 2020, the Board has increased its use of social media to boost outreach. This has been done with more frequent posts and the introduction of live Facebook events called "Facebook Fridays." Facebook Fridays provide notifications of the Board's operations and allow registrants and licensees to ask questions and receive immediate answers. The Board has received positive feedback and has more than doubled its following since this effort began.

Initial License Online Applications

In 2020, the Board implemented online applications for the Initial License and Upgrade License Status. These applications allow registrants who have completed all licensure requirements to request their initial license through the BreEze system. This greatly decreases the processing times and allows an applicant to be issued a license within 24 hours, in most cases.

NEW LEGISLATION

AB 462 (Carrillo, Chapter 440, Statutes of 2021) removes existing requirements for licensed professional clinical counselors (LPCCs) to gain at least 150 hours of clinical experience in a hospital or community mental health setting. This bill also removes the existing requirement for LPCCs to complete specified additional education, supervised experience, and continuing education related to marriage and family therapy in order to treat couples or families.

AB 690 (Arambula, Chapter 747, Statutes of 2021), among other things, reclassifies all psychotherapy settings as either exempt or non-exempt from licensure and registration requirements, as defined. This bill also increases the maximum number of persons a supervising psychotherapist licensed under the Board may supervise from three persons to six persons.

SB 801 (Archuleta, Chapter 647, Statutes of 2021) is the sunset vehicle for the Board. It makes several changes to improve the Board's licensing and administrative functions, including, among other things: extending the operations of the Board to January 1, 2026; making structural changes to conform the Board's denial of licensure authority with AB 2138 (Chiu, Chapter 995, Statutes of 2018); expanding the scope of telehealth providers; clarifying the scope of practice for Licensed Marriage and Family Therapists; updating the Board's patient notice requirements; adding "prognosis" as an acceptable term to the Board's practice act; making minor conforming alterations to the Board's statutory fee cap for Licensed Clinical Social Workers; and requiring Board applicants, registrants, and licensees to provide their e-mail to the Board so the Board can use e-mail as its primary means of communication.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
ASSOCIATE MARRIAGE AND FAMILY THERAPIST		
APPLICATION FEE	\$150	\$300
RENEWAL FEE	\$150	\$300
CA LAW AND ETHICS EXAM	\$150	\$300
ASSOCIATE SOCIAL WORKER		
APPLICATION FEE	\$150	\$300
RENEWAL FEE	\$150	\$300
CA LAW AND ETHICS EXAM	\$150	\$300
ASSOCIATE PROFESSIONAL CLINICAL COUNSELOR		
APPLICATION FEE	\$150	\$300
RENEWAL FEE	\$150	\$300
CA LAW AND ETHICS EXAM	\$150	\$300
LICENSED MARRIAGE AND FAMILY THERAPIST		
APPLICATION FEE	\$250	\$500
CLINICAL EXAM FEE	\$250	\$500
INITIAL LICENSE FEE	\$250	\$400
RENEWAL FEE (BI-ANNUAL)	\$200	\$400
LICENSED CLINICAL SOCIAL WORKER		
APPLICATION FEE	\$250	\$500
CLINICAL EXAM FEE (NATIONAL EXAM)	N/A	N/A

License Type	Actual Fee	Statutory Limit
INITIAL LICENSE FEE	\$250	\$400
RENEWAL FEE (BI-ANNUAL)	\$200	\$400
LICENSED PROFESSIONAL CLINICAL COUNSELOR		
APPLICATION FEE	\$250	\$500
CLINICAL EXAM FEE (NATIONAL EXAM)	N/A	N/A
INITIAL LICENSE FEE	\$250	\$400
RENEWAL FEE (BI-ANNUAL)	\$200	\$400
LICENSED EDUCATIONAL PSYCHOLOGIST		
APPLICATION FEE	\$250	\$500
CLINICAL EXAM FEE (NATIONAL EXAM)	\$250	\$500
INITIAL LICENSE FEE	\$250	\$400
RENEWAL FEE (BI-ANNUAL)	\$200	\$400

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ASSOCIATE CLINICAL SOCIAL WORKER	4,344	4,165	10,920
ASSOCIATE MARRIAGE AND FAMILY THERAPIST	4,053	3,679	10,360
ASSOCIATE PROFESSIONAL CLINICAL COUNSELOR	1,568	1,364	2,803
LICENSED CLINICAL SOCIAL WORKER	3,449	1,831	14,123
LICENSED EDUCATIONAL PSYCHOLOGIST	218	119	839
LICENSED MARRIAGE AND FAMILY THERAPIST	3,701	3,475	21,459
LICENSED PROFESSIONAL CLINICAL COUNSELOR	573	444	876
TOTAL	17,906	15,077	61,380

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ASSOCIATE CLINICAL SOCIAL WORKER	N/A	16,612	N/A
ASSOCIATE MARRIAGE AND FAMILY THERAPIST	N/A	14,848	N/A
ASSOCIATE PROFESSIONAL CLINICAL COUNSELOR	N/A	5,624	N/A
LICENSED CLINICAL SOCIAL WORKER	N/A	33,544	N/A
LICENSED EDUCATIONAL PSYCHOLOGIST	N/A	2,134	N/A
LICENSED MARRIAGE AND FAMILY THERAPIST	N/A	50,408	N/A
LICENSED PROFESSIONAL CLINICAL COUNSELOR	N/A	2,758	N/A
TOTAL	N/A	125,928	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
ASSOCIATE MARRIAGE AND FAMILY THERAPISTS	EVERY YEAR	N/A
ASSOCIATE CLINICAL SOCIAL WORKER	EVERY YEAR	N/A
ASSOCIATE PROFESSIONAL CLINICAL COUNSELOR	EVERY YEAR	N/A
LICENSED MARRIAGE AND FAMILY THERAPIST	BIANNUAL	36 HOURS
LICENSED CLINICAL SOCIAL WORKER	BIANNUAL	36 HOURS
LICENSED PROFESSIONAL CLINICAL COUNSELOR	BIANNUAL	36 HOURS
LICENSED EDUCATIONAL PSYCHOLOGIST	BIANNUAL	36 HOURS

Exams Results*			
EXAM TITLE	PASS	FAIL	TOTAL
LMFT CALIFORNIA LAW AND ETHICS EXAMINATION	2,973	736	3,709
LCSW CALIFORNIA LAW AND ETHICS EXAMINATION	3,116	769	3,885
LPCC CALIFORNIA LAW AND ETHICS EXAMINATION	1,045	316	1,361
LMFT CLINICAL EXAMINATION	3,189	1,201	4,390
LCSW ASWB CLINICAL EXAMINATION	2,746	1,018	3,764
LPCC NCMHCE EXAMINATION	304	68	372
LEP STANDARD WRITTEN EXAMINATION	114	64	178

*Data includes first time exam attempts and retake exam attempts.

Summary of Enforcement Activity

Consumer Complaints—Intake	
1,793	RECEIVED
839	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
985	REFERRED FOR INVESTIGATION
30	PENDING

Conviction/Arrest Notification Complaints	
1,223	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1,231	REFERRED FOR INVESTIGATION
3	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

BOARD OF BEHAVIORAL SCIENCES

Investigations	
2,216	OPENED
2,274	CLOSED
180	PENDING

Number of Days to Complete Intake and Investigations	
2,042	UP TO 90 DAYS
170	91 TO 180 DAYS
42	181 DAYS TO 1 YEAR
19	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
42	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
33	ISSUED
32	ISSUED WITH A FINE
4	WITHDRAWN
0	DISMISSED
198	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$67,200	ASSESSED
\$16,600	REDUCED
\$13,750	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
105	CASES OPENED/INITIATED
119	CASES CLOSED
63	CASES PENDING

Number of Days to Complete Attorney General Cases	
57	UP TO 1 YEAR
53	1 TO 2 YEARS
7	2 TO 3 YEARS
2	OVER 3 YEARS
429	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
20	STATEMENTS OF ISSUES FILED
64	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
2	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
5	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
29	LICENSE APPLICATIONS DENIED
24	REVOCATION
23	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
60	PROBATION ONLY
3	PUBLIC REPRIMAND
3	OTHER DECISIONS
142	TOTAL

Petition for Modification or Termination of Probation	
29	GRANTED
2	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
0	GRANTED
2	DENIED

Cost Recovery	
\$56,713	ORDERED
\$14,873	COLLECTED

Restitution to Consumers/Refunds/Savings	
\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment	
8	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
38	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
339	AVERAGE NUMBER OF DAYS



CEMETERY & FUNERAL BUREAU

Licenses and regulates funeral establishments and funeral directors; embalmers and apprentices; cemetery brokers, salespersons, and managers; cremated remains disposers, crematories, hydrolysis facilities, and crematory managers; and privately owned cemeteries in California.

www.cfb.ca.gov

STAFF:

25 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

13,079

ADVISORY COMMITTEE MEMBERSHIP:

3 public representatives
4 licensees

BUREAU STAFF:

Bureau Chief: Gina Sanchez
gina.sanchez@dca.ca.gov

Deputy Bureau Chief: Sandra Patterson
sandra.patterson@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 7600–7746

California Code of Regulations, Division 12,
title 16, §§ 1200–1291

California Code of Regulations, Division 23,
title 16, §§ 2300–2390

Health and Safety Code §§ 7000–9677,
§§ 102100–103800

Government Code §§ 27460–27530

Welfare and Institutions Code §§ 11150–11160,
§§ 12150–12156, § 17400–17410

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS

Oversight of Consumer Funds

As part of its fiduciary responsibilities, the Bureau Audit Unit performs audits and reviews of cemetery and funeral establishment trusts funded with consumer money. For cemeteries, these trusts provide for the ongoing care and maintenance of the property. For funeral establishments, these trusts are used to fulfill the final wishes of consumers who paid in advance.

Bureau audit staff perform compliance checks and identify any mismanagement or misappropriation of consumer funds. The Bureau conducted 228 reviews, remediating over \$2.9 million in mismanaged or untrusted funds.

Business Modernization

The Bureau released a fully online application for the cemetery salesperson license. This is the largest applicant population within the Bureau, and the platform allows for faster processing times and electronic payments.

Additionally, in collaboration with the Department of Consumer Affairs (DCA), the Bureau continues the process of identifying a new information technology platform that fits the needs of the Bureau and better serves its stakeholders.

Outreach

The Bureau appointed new advisory committee members and held two virtual advisory committee meetings, offering transparency and public comment on Bureau activities. The Bureau also held a virtual stakeholder workshop to expose and discuss draft regulatory language to implement the unitrust distribution method for cemetery endowment care trust funds. Using a virtual platform for public meetings has expanded statewide participation, including public comment, in a safe, convenient, and cost-free forum for consumers.

Occupational Analysis

With the assistance of DCA's Office of Professional Examination Services and subject matter experts within the industry, the Bureau conducted an occupational analysis for embalmers. The results provided a comprehensive description of current practice in California, which ensures the embalmer examination will continue to accurately reflect current practice.

Consumer Protection

To assist in keeping consumers and the industry safe during the COVID-19 pandemic, Bureau field representatives participated on a task force to implement safety inspection

CEMETERY AND FUNERAL BUREAU

protocols for its licensed cemeteries and funeral establishments. These proactive safety protocols helped to limit the spread of COVID-19 and deter noncompliance. Bureau staff inspected and either verified compliance or provided education on COVID-19 safety protocols to over 840 licensees in fiscal year 2020–21.

NEW LEGISLATION

AB 293 (Kalra, Chapter 514, Statutes of 2021) requires, beginning January 1, 2023, funeral establishments to make reasonable efforts to contact the beneficiary or trustor of unclaimed preneed funeral trust accounts so that these monies can be returned to the consumer. This bill further requires funeral establishments to report to the Office of the State Controller if the beneficiary or trustor cannot be found. The bill requires a funeral establishment to report and pay or deliver to the controller all abandoned preneed trust accounts, including the corpus of the trust, together with any income accrued in the trust at the time of payment or delivery, less a revocation fee, as specified. Beginning January 1, 2023, this bill allows funeral establishments to transfer preneed funeral agreements—pursuant to specific consumer protection conditions—to another funeral establishment in the event the funeral establishment holding the initial agreement ceases operations.

AB 496 (Chen, Chapter 118, Statutes of 2021) authorizes a crematory to cremate, along with the human remains of a person who was a member of the U.S. military, a single American flag. Additionally, the bill exempts American flags that are cremated along with the human remains of a veteran from record-keeping requirements.

AB 651 (Gipson, Chapter 442, Statutes of 2021), among other things, increases the minimum dollar amounts that must be deposited in cemetery endowment care trust funds over a three-year period. This bill also requires the Bureau to conduct a study and obtain information to determine if cemeteries' endowment care fund levels are sufficient to cover the cost of future maintenance, and to report its findings and recommendations to the Legislature by January 1, 2029. Lastly, this bill authorizes a county to assume responsibility for the maintenance and control of a cemetery in cases where the cemetery manager of a private cemetery has had their license suspended, revoked, or has surrendered their license and a court has not yet appointed a temporary manager, or when the court-appointed temporary manager's service has expired.

AB 830 (Flora, Chapter 376, Statutes of 2021) corrects a drafting error from prior legislation and removes from statute the reference to cemetery authorities having sufficient knowledge and expertise in investing and managing under the unitrust distribution method, allowing knowledge and expertise in investing and managing an endowment care fund to qualify.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
FUNERAL DIRECTOR		
LICENSE FEE	\$200	\$200
EXAMINATION FEE	\$100	\$100
TOTAL INITIAL LICENSE FEE	\$300	\$300
ANNUAL RENEWAL FEE	\$200	\$200
EMBALMER		
APPLICATION/EXAMINATION/LICENSE FEE	\$150	\$150
ANNUAL RENEWAL FEE	\$100	\$100
CEMETERY SALESPERSON		
LICENSE FEE	\$30	\$30
ANNUAL RENEWAL FEE	\$25	\$25

*The program licenses additional categories that can be found in title 16, Division 12, California Code of Regulations section 1257, title 16, Division 23, California Code of Regulations sections 2310–2324; Business and Professions Code sections 7639.04, 7651, 7653, 7672.1, 7712.2, 7721.9, 7729, 7729.2–7729.8, and 7729.10–7731.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
APPRENTICE EMBALMER	221	90	0
CEMETERY BRANCH BROKER	15	15	63
CEMETERY BROKER/ADDITIONAL BROKER	26	21	188
CEMETERY MANAGER	46	12	292
CEMETERY SALESPERSON	774	483	3,625
CERTIFICATE OF AUTHORITY (CEMETERY)	7	11	192
CREMATED REMAINS DISPOSER	20	20	132
CREMATORY	11	16	217
CREMATORY MANAGER	94	31	475
EMBALMER	46	44	1,464
FUNERAL DIRECTOR	235	106	2,117
FUNERAL ESTABLISHMENT	43	31	1,060
HYDROLYSIS FACILITY	1	0	0
TOTAL	1,539	880	9,825

Licensing Population by Type

TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
APPRENTICE EMBALMER	N/A	310	N/A
CEMETERY BRANCH BROKER	N/A	75	N/A
CEMETERY BROKER/ ADDITIONAL BROKER	N/A	226	N/A
CEMETERY MANAGER	N/A	364	N/A
CEMETERY SALESPERSON	N/A	5,105	N/A
CERTIFICATE OF AUTHORITY (CEMETERY)	N/A	194	N/A
CREMATED REMAINS DISPOSER	N/A	196	N/A
CREMATORY	N/A	230	N/A
CREMATORY MANAGER	N/A	610	N/A
EMBALMER	N/A	1,849	N/A
FUNERAL DIRECTOR	N/A	2,816	N/A
FUNERAL ESTABLISHMENT	N/A	1,104	N/A
HYDROLYSIS FACILITY	N/A	0	N/A
TOTAL	N/A	13,079	N/A

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
APPRENTICE EMBALMER	ANNUAL	N/A
CEMETERY BROKER	ANNUAL	N/A
CEMETERY BROKER ADDITIONAL	ANNUAL	N/A
CEMETERY BROKER BRANCH	ANNUAL	N/A
CEMETERY MANAGER	ANNUAL	N/A
CEMETERY SALESPERSON	ANNUAL	N/A
CERTIFICATE OF AUTHORITY	ANNUAL	N/A
CREMATED REMAINS DISPOSER	ANNUAL	N/A
CREMATORY	ANNUAL	N/A
CREMATORY MANAGER	ANNUAL	N/A
EMBALMER	ANNUAL	N/A
FUNERAL DIRECTOR	ANNUAL	N/A
FUNERAL ESTABLISHMENT	ANNUAL	N/A
HYDROLYSIS FACILITY	ANNUAL	N/A

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
CEMETERY BROKER	9	8	17
CEMETERY MANAGER	12	9	21
CREMATORY MANAGER	35	4	39
EMBALMER	39	4	43
FUNERAL DIRECTOR	102	117	219

Summary of Enforcement Activity

Consumer Complaints—Intake

863	RECEIVED
2	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
861	REFERRED FOR INVESTIGATION
3	PENDING

Conviction/Arrest Notification Complaints

2	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
2	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

1,261	CONDUCTED
25	CITATIONS ISSUED

Investigations

863	OPENED
732	CLOSED
275	PENDING

Number of Days to Complete Intake and Investigations

369	UP TO 90 DAYS
267	91 TO 180 DAYS
92	181 DAYS TO 1 YEAR
4	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
95	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

CEMETERY AND FUNERAL BUREAU

Citations and Fines

118	ISSUED
97	ISSUED WITH A FINE
8	WITHDRAWN
1	DISMISSED
91	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$74,003	ASSESSED
\$500	REDUCED
\$56,201	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

11	CASES OPENED/INITIATED
13	CASES CLOSED
7	CASES PENDING

Number of Days to Complete Attorney General Cases

5	UP TO 1 YEAR
6	1 TO 2 YEARS
2	2 TO 3 YEARS
0	OVER 3 YEARS
499	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

2	STATEMENTS OF ISSUES FILED
10	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
11	REVOCATION
2	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
6	PROBATION ONLY
1	PUBLIC REPRIMAND
0	OTHER DECISIONS
20	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

1	GRANTED
3	DENIED

Cost Recovery

\$22,352.25	ORDERED
\$11,922	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$65,862.90	AMOUNT REFUNDED
\$12,790	REWORK AT NO CHARGE
\$4,663.16	ADJUSTMENTS/RETURNS/EXCHANGES
\$83,316.06	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

4	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

92	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

387	AVERAGE NUMBER OF DAYS
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Licenses and regulates chiropractors. Registers and certifies chiropractic corporations, referral services, and satellite offices.

www.chiro.ca.gov

STAFF:

17.8 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

18,183

BOARD MEMBERSHIP:

2 public representative
5 licensees

BOARD STAFF:

Executive Officer: Robert Puleo
robert.puleo@dca.ca.gov

Assistant Executive Officer: Kristin Walker
kristin.walker@dca.ca.gov

LAWS AND REGULATIONS:

Chiropractic Initiative Act of California, Business and Professions Code sections 1000–1058

California Code of Regulations, Division 4, title 16, sections 301–390.6

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

The Board will issue a license to any person licensed to practice chiropractic under the laws of another state, provided that the state in which the applicant is licensed has the same general requirements as requested by California at the time of licensure, and that state will issue a license to practitioners from California.

ACCOMPLISHMENTS

Business Modernization

The Board collaborated with three other programs and the Department of Consumer Affairs Office of Information Services (OIS) on the development and implementation of a new application, licensing, and enforcement system known as Connect. Through three phased software releases from September 2020 through June 2021, the Board implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates).
- License renewals (doctor of chiropractic and satellite certificates).
- Address changes and cancellation of satellite certificates.
- Online payment for all other paper applications.

In addition, the Board developed a system-integrated online complaint form for consumers and transitioned all new complaints and investigations to the Connect system to streamline the complaint intake and investigation process.

The Board continues to work directly with OIS and the vendor to implement additional enforcement functionality during the final project phase that is planned to be released in spring 2022.

Consumer Protection

The Board has continued to work on updates to the annual continuing education (CE) requirements for chiropractors. The Board's goal is to protect patients by expanding the background check for CE providers and by aligning the mandatory course categories with the core competencies necessary for a chiropractor to safely practice in California.

Important Meetings

In response to the social unrest around the country following the death of George Floyd, the Board invited Dr. Micheala Edwards, president of the American Black Chiropractors Association, and Dr. William Foshee, chair of the American Chiropractic Association's Diversity Committee, to speak at its July 16, 2020 Board meeting. Dr. Edwards emphasized the importance of diversity and inclusion in the chiropractic profession, the importance of diversity training for chiropractors and instructors, and the need for additional research and data collection to better serve all patient populations and inform curriculum. Dr. Foshee explained how inequity in culture leads to inequity in health care and emphasized the need for chiropractors to develop cultural agility through an enhanced understanding of the needs of the diverse communities they serve, thereby elevating the health and wellness of communities. He also emphasized the need for curriculum changes to address the needs of all patient populations.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
BIENNIAL CONTINUING EDUCATION PROVIDER RENEWAL	\$56	N/A
CONTINUING EDUCATION PROVIDER APPLICATION	\$84	N/A
CONTINUING EDUCATION COURSE APPLICATION	\$56	N/A
CORPORATION REGISTRATION APPLICATION	\$186	N/A
CORPORATION SPECIAL REPORT FILING	\$31	N/A
CORPORATION RENEWAL FILING	\$31	N/A
CORPORATION DUPLICATE CERTIFICATE	\$50	N/A
INITIAL LICENSE	\$186	N/A
LICENSE APPLICATION FEE	\$371	N/A
LICENSE CERTIFICATION/OUT-OF-STATE LICENSE VERIFICATION	\$124	N/A
LICENSE RENEWAL	\$313	N/A
PETITION FOR EARLY TERMINATION OF PROBATION OR REDUCTION OF PENALTY	\$371	N/A
PETITION FOR REINSTATEMENT OF REVOKED LICENSE	\$371	N/A
PRECEPTOR	\$31	N/A
RECIPROCAL LICENSE APPLICATION	\$371	N/A
REFERRAL SERVICES APPLICATION	\$557	N/A
RESTORATION OF LICENSE	\$626	N/A
SATELLITE CERTIFICATE APPLICATION	\$62	N/A
SATELLITE CERTIFICATE RENEWAL	\$31	N/A
SATELLITE CERTIFICATE REPLACEMENT	\$50	N/A

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
CHIROPRACTIC CORPORATIONS	101	73	1,477
DOCTOR OF CHIROPRACTIC	221	269	10,092
REFERRAL SERVICES	0	N/A	N/A
SATELLITE OFFICES (BCE)	1192	1136	2,539
TOTAL	1,514	1,478	14,108

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
CHIROPRACTIC CORPORATIONS	1,379	N/A	N/A
DOCTOR OF CHIROPRACTIC	N/A	12,579	N/A
REFERRAL SERVICES	31	N/A	N/A
SATELLITE OFFICES (BCE)	4,194	N/A	N/A
TOTAL	5,604	12,579	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
DOCTOR OF CHIROPRACTIC	ANNUAL	24
SATELLITE OFFICES	ANNUAL	0
CHIROPRACTIC CORPORATION	ANNUAL	0

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
CALIFORNIA CHIROPRACTIC LAW EXAMINATION	332	48	380

Summary of Enforcement Activity

Consumer Complaints—Intake	
415	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
417	REFERRED FOR INVESTIGATION
2	PENDING

Conviction/Arrest Notification Complaints	
59	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
59	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
476	OPENED
558	CLOSED
510	PENDING

Number of Days to Complete Intake and Investigations	
149	UP TO 90 DAYS
49	91 TO 180 DAYS
118	181 DAYS TO 1 YEAR
152	1 TO 2 YEARS
70	2 TO 3 YEARS
20	OVER 3 YEARS
373	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
34	ISSUED
34	ISSUED WITH A FINE
3	WITHDRAWN
0	DISMISSED
545	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

BOARD OF CHIROPRACTIC EXAMINERS

Total Amount of Fines

\$48,250	ASSESSED
\$4,250	REDUCED
\$35,635	COLLECTED

Criminal/Civil Actions

N/A	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

61	CASES OPENED/INITIATED
20	CASES CLOSED
97	CASES PENDING

Number of Days to Complete Attorney General Cases

1	UP TO 1 YEAR
4	1 TO 2 YEARS
8	2 TO 3 YEARS
7	OVER 3 YEARS
899	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

2	STATEMENTS OF ISSUES FILED
28	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
4	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

1	LICENSE APPLICATIONS DENIED
4	REVOCATION
5	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
8	PROBATION ONLY
0	PUBLIC REPRIMAND
1	OTHER DECISIONS
20	TOTAL

Petition for Modification or Termination of Probation

1	GRANTED
1	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
1	DENIED

Cost Recovery

\$163,563.75	ORDERED
\$65,322.75	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

9	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

364	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

601	AVERAGE NUMBER OF DAYS
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Licenses and regulates contractors in 44 classifications.

www.cslb.ca.gov

STAFF:

429 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

308,858

BOARD MEMBERSHIP:

7 licensees
1 local building official
1 member of a labor organization
representing the building trades
8 public members

BOARD STAFF:

Registrar: David Fogt
david.fogt@cslb.ca.gov

Chief Deputy Registrar: Tonya D. Corcoran
tonyad.corcoran@cslb.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 7000–7199.7

California Code of Regulations, Division 8,
title 16, §§ 810–890

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

Pursuant to Business and Profession Code section 7065.4, the Board has reciprocity agreements in place with Arizona, Louisiana, and Nevada. The following reciprocity requirements are the same for these states:

- The contractor must be applying for a license in a classification that appears on that state's Reciprocal Classifications List.
- The contractor must have held an active license in good standing in one of the reciprocal states for the previous five years.
- The contractor must submit to the Board the Request for Verification of License form that is completed by the licensing entity under which he or she is already licensed.
- The contractor must complete the Application for Original Contractor's License.
- The Certification of Work Experience form 13A-11 must be used to report and confirm the journey-level work experience for the previous five years.

If the Board grants reciprocity to a contractor, it can waive the trade portion of the examination (the contractor still must take the business law exam section); however, the Board retains the right to require the exam.

ACCOMPLISHMENTS

COVID-19 Related Improvements

In response to the pandemic, the Board created an online, fillable complaint form to allow quicker response to complaints about unlicensed or improper construction-related activity. The Board also increased online renewals to 25 percent of the 125,671 licenses renewed last year and increased communication about the Board services and safety requirements through electronic industry bulletins and social media. Board staff transitioned meetings from in-person to online and conducted 11 virtual licensing workshops and seven virtual board meetings.

Pathways to Licensure

The Board created a new B-2 residential remodeling license for handyperson candidates in response to increased consumer demand for qualified remodelers. The Board assisted military veterans seeking licensure by referring them to specially trained staff to review transferable military training and experience, and expedited processing for 977 applications. The Board renewed the highest number of licenses in more than a decade, with an 8% increase over two years ago. The Board also distributed nearly \$100,000 in Construction Management Education grants to construction management programs at four California universities.

Disaster Response

The Board joined other state and local agencies at 24 local assistance centers throughout California to offer recovery assistance and information to property owners affected by wildfires. The Board also addressed unlicensed activity in wildfire zones by conducting sweeps and undercover sting operations to enforce license requirements and discourage unlicensed activity. To help those recovering from wildfires, the Board created a video offering consumers information on rebuilding after a disaster.

Public Information and Outreach

The Board's Public Affairs Office produced or coproduced 19 webcasts and produced 18 consumer and licensee educational videos, which received 59,000 views on YouTube.

The Board received more than 332,000 views on posts on Facebook, Twitter, Instagram, YouTube, Periscope, LinkedIn, and Flickr. Staff also conducted 18 virtual consumer and Senior Scam Stopper presentations for over 1,000 people in legislative districts throughout California. The videos were then uploaded to the legislators' websites for further viewing. These seminars were conducted with other state agencies, local law enforcement, and community-based organizations.

The Board assigned a special investigator to conduct outreach in disadvantaged communities and communities of color to encourage qualified persons to become licensed contractors. The Board also held a three-part seminar to promote and encourage women and those in disadvantaged communities to become licensed contractors.

Enforcement

Consumer protection is the mission of the Board. Through its enforcement program, the Board helped consumers recover over \$50 million in ordered restitution in fiscal year 2020–21. In addition, the Board collaborated with

the Joint Agency Solar Consumer Protection Task Force comprised of the Board, the California Public Utilities Commission, and the Department of Financial Protection and Innovation (DFPI) to implement consumer outreach and protection strategies. The Board also enforced the requirement that solar contractors provide consumers a solar disclosure document pursuant to AB 1070 (Gonzalez Fletcher, Chapter 662, Statutes of 2017). As a result, 38 consumer complaints were referred to DFPI for investigation into alleged predatory PACE loans.

The Board also conducted 1,412 solar investigations, resulting in 197 legal actions and \$2.5 million in restitution. Staff completed 16,851 investigations, settled 2,626 cases, issued 319 Letters of Admonishment, and took 2,243 legal actions. The Statewide Investigative Fraud Team (SWIFT) responded to 666 leads. SWIFT conducted 12 sting operations and 34 sweep days, which led to the issuance of 47 Notices to Appear in criminal court. SWIFT also issued 78 stop orders to uninsured employers. In total, 408 cases resulted in administrative action, 103 cases were referred to district attorney offices for criminal prosecution, and 675 advisory notices were issued for illegal advertising and technical violations. The Board conducted 177 Informal Citation Conferences to try to reach mutual agreements between respondents while avoiding the time, inconvenience, and expense of a formal administrative hearing.

NEW LEGISLATION

AB 246 (Quirk, Chapter 46, Statutes of 2021) adds illegal dumping to the list of violations that will constitute cause for disciplinary action against a contractor by the Board. This bill also reorganizes provisions of existing law from a paragraph to an enumerated form to provide clarity and improve readability.

AB 569 (Grayson, Chapter 94, Statutes of 2021) raises the cap on most civil penalty fees that can be assessed against licensed contractors or applicants for violations of the Contractors State License Law from \$5,000 to \$8,000, and fees for specific violations from \$15,000 to \$30,000. This bill also permits the Board to issue an "admonishment" letter for more than one violation.

SB 297 (Durazo, Chapter 726, Statutes of 2021) enacts the Wade Kilpatrick Gas Safety and Workforce Adequacy Act of 2021. This bill increases civil penalties for someone who knowingly and willfully damages a gas or hazardous liquid pipeline subsurface installation.

SB 484 (Archuleta, Chapter 545, Statutes of 2021) exempts a licensed plumbing contractor, after meeting specified conditions, from provisions relating to a home inspection that prohibits repairs to a structure on which

the inspector or the inspector's company has prepared a home inspection. This bill applies to sewer lateral pipes connecting a residence or business to a sewer system.

SB 607 (Min, Chapter 367, Statutes of 2021) will, among other provisions, increase the statutory minimum and maximum license, registration and other miscellaneous fees on contractors. It will also increase the contractor's bond amount from \$15,000 to \$25,000. A licensed contractor must maintain, and have on file, a contractor's bond in order to be licensed by the Board. This section will go into effect on January 1, 2023. This bond requirement in the amount of \$25,000 will be a condition for the issuance, reissuance, renewal or restoration of a license to an applicant, or for the approval of an application for a change of officers for a corporation, limited liability company or a removal of a suspension, or the continued use of a valid license that has been stayed or revoked.

SB 757 (Limón, Chapter 249, Statutes of 2021) includes "solar energy system" in the definition of "home improvement." This bill makes it a misdemeanor for a home improvement salesperson to assist, recommend, select, or guide an owner or tenant in the selection of a contractor for home improvement goods or services if notification of employment by the home improvement contractor has not been received by the Board.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPLICATION FEE (INCLUDES EXAM FEE)	\$330	\$375
INITIAL LICENSURE FEE	\$200	\$225
TOTAL INITIAL LICENSE FEE	\$530	\$600
ADDITIONAL CLASSIFICATION FEE (ORIGINAL LICENSE)	\$75	\$85
ADDITIONAL CLASSIFICATION FEE (EXISTING LICENSE)	\$150	\$175
BIENNIAL RENEWAL FEE	\$450	\$450

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
HOME IMPROVEMENT SALESPERSON REGISTRATION	11,653	6,545	6,673
ORIGINAL CONTRACTORS LICENSE	22,190	13,082	125,671
TOTAL	33,843	19,627	132,344

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
HOME IMPROVEMENT SALESPERSON REGISTRATION	N/A	22,814	N/A
ORIGINAL CONTRACTORS LICENSE	3,603	282,441	N/A
TOTAL	3,603	305,255	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
ORIGINAL CONTRACTORS LICENSE	EVERY 2 YEARS	N/A
HOME IMPROVEMENT SALESPERSON REGISTRATION	EVERY 2 YEARS	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
LAW AND BUSINESS	9,779	6,945	16,724
GENERAL ENGINEERING (A)	505	265	770
GENERAL CONTRACTOR (B)	3,755	3,354	7,109
ASBESTOS CERTIFICATION	13	15	28
HAZARDOUS CERTIFICATION	53	41	94
INSULATION AND ACOUSTICAL (C-2)	32	91	123
BOILER, HOT-WATER HEATING AND STEAM FITTING (C-4)	15	18	33
FRAMING AND ROUGH CARPENTRY (C-5)	58	78	136
CABINET, MILLWORK AND FINISH CARPENTRY (C-6)	166	193	359
LOW VOLTAGE SYSTEMS (C-7)	219	185	404
CONCRETE (C-8)	292	327	619
DRYWALL (C-9)	139	321	460
ELECTRICAL (C-10)	1,026	819	1,845
ELEVATORS (C-11)	6	15	21
EARTHWORK AND PAVING (C-12)	92	84	176
FENCING (C-13)	77	69	146
FLOORING (C-15)	272	284	556

CONTRACTORS STATE LICENSE BOARD

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
FIRE PROTECTION (C-16)	74	135	209
GLAZING (C-17)	132	153	285
WARM-AIR HEATING, VENTILATING AND AIR CONDITIONING (C-20)	588	593	1,181
BUILDING MOVING/DEMOLITION (C-21)	63	89	152
ASBESTOS ABATEMENT (C-22)	15	6	21
ORNAMENTAL METAL (C-23)	39	49	88
LANDSCAPING (C-27)	462	843	1,305
LOCK AND SECURITY EQUIPMENT (C-28)	14	19	33
MASONRY (C-29)	49	81	130
CONSTRUCTION ZONE TRAFFIC CONTROL (C-31)	32	18	50
PARKING AND HIGHWAY IMPROVEMENT (C-32)	13	17	30
PAINTING AND DECORATING (C-33)	617	917	1,534
PIPELINE (C-34)	18	29	47
LATHING AND PLASTERING (C-35)	65	93	158
PLUMBING (C-36)	678	536	1,214
REFRIGERATION (C-38)	48	40	88
ROOFING (C-39)	310	407	717
SANITATION SYSTEM (C-42)	33	41	74
SHEETING METAL (C-43)	51	21	72
SIGN (C-45)	35	20	55
SOLAR (C-46)	74	90	164
MANUFACTURED HOUSING (C-47)	33	20	53
REINFORCING STEEL (C-50)	17	16	33
STRUCTURAL STEEL (C-51)	75	53	128
SWIMMING POOL (C-53)	117	124	241
TILE (C-54)	250	272	522
WATER CONDITIONING (C-55)	9	12	21
WELL DRILLING (C-57)	17	15	32
WELDING (C-60)	52	34	86
TOTAL	20,479	17,847	38,326

Summary of Enforcement Activity

Consumer Complaints—Intake

15,098	RECEIVED
314	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
14,784	REFERRED FOR INVESTIGATION
1,561	PENDING

Conviction/Arrest Notification Complaints

718	RECEIVED
N/A	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
718	REFERRED FOR INVESTIGATION
155	PENDING

Inspections

N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations

15,502	OPENED
16,851	CLOSED
3,000	PENDING

Number of Days to Complete Intake and Investigations

11,998	UP TO 90 DAYS
1,823	91 TO 180 DAYS
2,890	181 DAYS TO 1 YEAR
137	1 TO 2 YEARS
1	2 TO 3 YEARS
2	OVER 3 YEARS
97	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

1,231	ISSUED
1,231	ISSUED WITH A FINE
55	WITHDRAWN
4	DISMISSED
222	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$3,392,200	ASSESSED
\$594,000	REDUCED
\$1,672,657	COLLECTED

Criminal/Civil Actions

683	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

202	CASES OPENED/INITIATED
321	CASES CLOSED
331	CASES PENDING

Number of Days to Complete Attorney General Cases

170	UP TO 1 YEAR
118	1 TO 2 YEARS
25	2 TO 3 YEARS
8	OVER 3 YEARS
831	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

13	STATEMENTS OF ISSUES FILED
152	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
7	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
7	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

8	LICENSE APPLICATIONS DENIED
252	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
1	SUSPENSION ONLY
115	PROBATION ONLY
4	PUBLIC REPRIMAND
51	OTHER DECISIONS
431	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

NO DATA AVAILABLE	GRANTED
NO DATA AVAILABLE	DENIED

Cost Recovery

\$2,853,603	ORDERED
\$566,905	COLLECTED

Restitution to Consumers/Refunds/Savings

\$4,190,182	RESTITUTION ORDERED
\$43,692,450	AMOUNT REFUNDED
\$1,693,704	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$49,576,336	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

97	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

606	AVERAGE NUMBER OF DAYS
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COURT REPORTERS BOARD OF CALIFORNIA

Licenses and regulates certified shorthand reporters, also known as court reporters, and oversees California's schools of court reporting. Also manages the Transcript Reimbursement Fund, which reimburses costs of transcripts for low-income litigants.

www.courtreportersboard.ca.gov

STAFF:

3.5 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

5,854

BOARD MEMBERSHIP:

3 public representatives
2 licensees

BOARD STAFF:

Executive Officer: Yvonne K. Fenner
yvonne.fenner@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 8000–8047

California Code of Regulations, Division 24,
title 16, §§ 2400–2481

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

Outreach

The Board, with the assistance of the Department of Consumer Affairs (DCA) Communications Division, offered a new e-publication titled “5 Reasons Why You Should Choose a Licensed Court Reporter.” The Board shared this publication with bar associations and posted it on the Board’s website as a reminder to consumers on how best to protect themselves when hiring a court reporter.

The Board approved the publication “Best Practices for Remote Reporting” to assist licensees in making the transition to reporting via remote reporting platforms.

Enhancements

In August 2020, the Board began accepting online payments for court reporter license renewals, providing cost savings and convenience for court reporters who prefer online payment. The feature is becoming more widely used, resulting in less staff time to process paper renewals.

On November 2, 2020, the Transcript Reimbursement Fund (TRF), which helps qualified indigent litigants pay for transcripts of civil proceedings, reopened after a two-year closure due to lack of funding. The Board took restorative measures to increase its revenue and decrease expenditures, resulting in a budget reserve healthy enough to transfer funds to the TRF. Prior to reopening the fund, staff worked with the DCA Office of Public Affairs to revise applications and guidelines to assist applicants in understanding the process. The Board also updated its website with a dedicated tab for the TRF, streamlining the process for applicants.

Regulations

The Office of Administrative Law approved the Board’s Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) implementation regulations package, which requires boards to amend their existing regulations governing substantially related crimes or acts as well as rehabilitation criteria. The regulations package, published February 21, 2020, went into effect May 12, 2021. The regulations make it clear to the public and licensees what criteria are used in determining whether a conviction is substantially related to the practice of court reporting.

Exam Updates

Due to the COVID-19 pandemic, the Board moved the skills portion of the license exam to an online platform, which has saved travel costs for staff and candidates. Board staff worked with the DCA Office of Public Affairs to record and produce the four voice video examinations and warm-up materials for each exam.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	Y

Fees*

License Type	Actual Fee	Statutory Limit
COURT REPORTER/RENEWAL FEE	\$225	\$250
COURT REPORTER/LATE RENEWAL FEE	\$112.50	\$125
COURT REPORTER/LICENSE ISSUANCE	\$225	\$250
COURT REPORTER/APPLICATION FEE	\$40	\$40
COURT REPORTER/EXAM FEE	\$25	\$75
COURT REPORTER/DUPLICATE WALL CERTIFICATE	\$5	\$10

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
CERTIFIED SHORTHAND REPORTER	39	39	5,815
TOTAL	39	39	5,815

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
CERTIFIED SHORTHAND REPORTER	N/A	5,854	N/A
TOTAL	N/A	5,854	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
CERTIFIED SHORTHAND REPORTER	YEARLY	NONE

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
DICTATION	46	168	214
ENGLISH	68	39	107
PROFESSIONAL PRACTICE	63	35	98

Summary of Enforcement Activity

Consumer Complaints—Intake	
105	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
105	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
0	RECEIVED
1	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
105	OPENED
184	CLOSED
8	PENDING

COURT REPORTERS BOARD OF CALIFORNIA

Number of Days to Complete Intake and Investigations

88	UP TO 90 DAYS
20	91 TO 180 DAYS
21	181 DAYS TO 1 YEAR
20	1 TO 2 YEARS
12	2 TO 3 YEARS
23	OVER 3 YEARS
347	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

11	ISSUED
11	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
130	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$14,000	ASSESSED
\$1,950	REDUCED
\$6,800	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

6	CASES OPENED/INITIATED
7	CASES CLOSED
1	CASES PENDING

Number of Days to Complete Attorney General Cases

5	UP TO 1 YEAR
2	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
328	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
4	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
3	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
3	REVOCATION
1	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
2	PROBATION ONLY
0	PUBLIC REPRIMAND
1	OTHER DECISIONS
7	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

1	GRANTED
0	DENIED

Cost Recovery

\$6,522.50	ORDERED
\$6,639.50	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$4,052.06	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$4,052.06	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

347	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

237	AVERAGE NUMBER OF DAYS
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Licenses and regulates dentists, registered dental assistants, registered dental assistants in extended functions, and holders of orthodontic assistant and dental sedation assistant permits.

www.dbc.ca.gov

STAFF:

83 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

203,575

BOARD MEMBERSHIP:

5 public representatives
10 licensees

BOARD STAFF:

Executive Officer: Karen Fischer
karen.fischer@dca.ca.gov

Assistant Executive Officer: Sarah Wallace
sarah.wallace@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 1600–1808,
§§ 1970–1976

California Code of Regulations, Division 10,
title 16, §§ 1000–1087

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

The Dental Board of California accepts out-of-state dental licenses in good standing. The requirements to obtain a dental license by credential include, but are not limited to:

Dentists

- A completed application and payment of all fees.
- A current license issued by another state to practice dentistry that is not revoked, suspended, or otherwise restricted.
- Proof that the applicant has either been in active clinical practice or has been a full-time faculty member in an accredited dental education program and in active clinical practice for a total of at least 5,000 hours in five of the seven consecutive years immediately preceding the date of his or her application.
- Residency—Maximum of two years of clinical practice credit allowed for a residency training program accredited by the American Dental Association Commission on Dental Accreditation. With two years of clinical practice, or a completed residency, the remainder of the five-year requirement may be fulfilled with a contract to teach or to practice in settings specified in Business and Professions Code section 1635.5(a)(3)(B) and section 1635.5(a)(3)(C).
- The applicant may not have failed the California licensure exam or the Western Regional Examining Board (WREB) clinical exam within the last five years. A letter from WREB stating that the applicant has not failed the WREB exam must be submitted as proof.
- Fifty units of continuing education in the last two years, including current mandatory courses.

Registered Dental Assistants

- Reciprocity is not offered to practice as a registered dental assistant (RDA) in California.

ACCOMPLISHMENTS

Appointments and Board Leadership

Governor Gavin Newsom appointed three new members and reappointed six members to the Board, and the speaker of the Assembly appointed one new public member. Additionally, the Board appointed four new members to its Dental Assisting Council to consider all matters relating to dental assisting in California.

For the first time in its history, the Board elected a registered dental hygienist as president.

Examinations and Licensing

As a result of the COVID-19 pandemic, the regional examinations for dental licensure were no longer able to administer live patient-based licensure examinations. Working with the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES), the Board determined it could accept manikin-based examinations for dentist licensure in California. Acceptance of manikin-based examinations permitted the Board to continue licensing competent dentists in California during the COVID-19 pandemic.

Additionally, the Board continued to work with OPES on the review of its written examinations and completed an occupational analysis of the orthodontic assistant scope of practice.

At the end of fiscal year 2020–21, the Board moved to paperless (online) renewals. As a result, the Board is reducing its carbon footprint by conserving natural resources, reducing mailing costs, and making the best use of licensee and registrant renewal fees. Most importantly, moving to online renewals significantly reduced renewal processing times, as completed licensee and permit renewals can be processed instantly.

Consumer Protection

The Board partnered with other agencies to conduct operations to strengthen consumer protection.

In February 2021, the Board partnered with the U.S. Drug Enforcement Administration, Bureau of Medi-Cal Fraud and Elder Abuse, Health and Human Services, and local jurisdictions on a criminal search warrant that led to the arrest of a licensee for the alleged distribution of drugs and narcotics. The licensee surrendered his dental license to the Board.

In June 2021, the Board conducted a joint investigation with the Los Angeles Police Department and the Department of Justice involving allegations of a Board licensee committing sexual battery and Medi-Cal fraud. This joint investigation led to the arrest of the licensee and the suspension of his license.

NEW LEGISLATION

AB 526 (Wood, Chapter 653, Statutes of 2021)

authorizes a licensed dentist to independently prescribe and administer COVID-19 and influenza (flu) vaccines that are approved by the U.S. Food and Drug Administration for persons three years of age or older. This bill also adds dentists to the list of professions allowed to serve as “laboratory directors,” and allows them to perform certain low risk tests, such as those for COVID-19. Additionally, vaccine training provided through the California Pharmacists Association or the federal Centers for Disease Control and Prevention will now count toward the fulfillment of dentists’ continuing education requirements.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y*
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Does not apply for registered dental assistant.

Fees*

License Type	Actual Fee	Statutory Limit
DENTIST LICENSURE BY WREB¹ EXAMINATION		
APPLICATION FEE	\$400	\$1,000
INITIAL LICENSURE FEE ²	\$650	\$800
DENTAL LAW AND ETHICS APPLICATION	\$125	\$250
DENTAL LAW AND ETHICS EXAM FEE	\$24.75	ACTUAL COST OF EXAM SET BY PSI ⁴
WREB EXAMINATION	\$2,185–\$2,420	SET BY WREB
TOTAL INITIAL LICENSE FEE	\$3,384.75–\$3,619.75	N/A
BIENNIAL RENEWAL FEE	\$650	\$800
DENTIST LICENSURE BY ADEX³ EXAMINATION		
APPLICATION FEE	\$400	\$1,000
INITIAL LICENSURE FEE	\$650	\$800
DENTAL LAW AND ETHICS APPLICATION	\$125	\$250
DENTAL LAW AND ETHICS EXAM FEE	\$24.75	ACTUAL COST OF EXAM SET BY PSI
ADEX EXAMINATION	\$2,295	SET BY ADEX
TOTAL INITIAL LICENSE FEE	\$3,494.75	N/A
BIENNIAL RENEWAL FEE	\$650	\$800

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ADDITIONAL OFFICE PERMIT (AO)	581	373	1,339
BOARD APPROVED FOREIGN DENTAL (DDS) SCHOOLS	0	N/A	N/A
CODA APPROVED CALIFORNIA DENTAL (DDS) SCHOOLS	0	N/A	N/A
CONSCIOUS SEDATION PERMIT (CS)	67	46	264
DENTAL SEDATION ASSISTANT (DSA)	8	3	16
DENTAL SEDATION ASSISTANT (DSA) COURSES	9	2	0
DENTIST LICENSE (DDS)	2,014	1,430	17,926
ELECTIVE FACIAL COSMETIC SURGERY PERMIT (EFCS)	2	2	13
FICTITIOUS NAME PERMIT (FNP)	1,061	763	3,405
GENERAL ANESTHESIA (GA) PERMIT	67	62	432
MEDICAL GENERAL ANESTHESIA PERMIT (MGA)	37	36	61
MOBILE DENTAL CLINIC PERMIT	27	22	23
ORAL CONSCIOUS SEDATION CERTIFICATE (OCS)	131	136	1,143
ORAL AND MAXILLOFACIAL SURGERY PERMIT (OMS)	3	4	41
ORTHODONTIC ASSISTANT (OA)	243	129	609
ORTHODONTIC ASSISTANT (OA) COURSES	9	7	0
REGISTERED DENTAL ASSISTANT (RDA)	2,489	1,732	16,675
REGISTERED DENTAL ASSISTANT (RDA) PROGRAMS	0	0	0
REGISTERED DENTAL ASSISTANT IN EXTENDED FUNCTIONS (RDAEF)	135	5	760
REGISTERED DENTAL ASSISTANT IN EXTENDED FUNCTIONS (RDAEF) PROGRAMS	0	0	0
REGISTERED PROVIDER PERMIT (RP)	73	45	348
SPECIAL PERMIT (SP)	5	4	33
TOTAL	6,961	4,801	43,088

License Type	Actual Fee	Statutory Limit
DENTIST LICENSURE BY PORTFOLIO		
APPLICATION FEE	\$400	\$1,500
INITIAL LICENSURE FEE	\$650	\$800
DENTAL LAW AND ETHICS APPLICATION	\$125	\$250
DENTAL LAW AND ETHICS EXAM FEE	\$24.75	ACTUAL COST OF EXAM SET BY PSI
TOTAL INITIAL LICENSE FEE	\$1,199.75	N/A
BIENNIAL RENEWAL FEE	\$650	\$800
DENTIST LICENSURE BY RESIDENCY		
APPLICATION FEE	\$800	\$1,000
INITIAL LICENSURE FEE	\$650	\$800
DENTAL LAW AND ETHICS APPLICATION	\$125	\$250
DENTAL LAW AND ETHICS EXAM FEE	\$24.75	ACTUAL COST OF EXAM SET BY PSI
TOTAL INITIAL LICENSE FEE	\$1,599.75	N/A
BIENNIAL RENEWAL FEE	\$650	\$800
DENTIST LICENSURE BY CREDENTIAL		
APPLICATION FEE	\$525	\$1,000
INITIAL LICENSURE FEE	\$650	\$800
TOTAL INITIAL LICENSE FEE	\$1,175	N/A
BIENNIAL RENEWAL FEE	\$650	\$800
REGISTERED DENTAL ASSISTANT		
APPLICATION FEE	\$120	\$200
GENERAL AND LAW AND ETHICS EXAM	\$42.35	ACTUAL COST OF EXAM SET BY PSI
TOTAL INITIAL LICENSE FEE	\$158.50	N/A
BIENNIAL RENEWAL FEE	\$100	\$200
REGISTERED DENTAL ASSISTANT (RDAEF)⁵		
APPLICATION FEE	\$120	\$200
PRACTICAL EXAMINATION FEE	\$500	ACTUAL COST OF EXAM
WRITTEN EXAMINATION FEE	\$24.75	ACTUAL COST OF EXAM SET BY PSI
TOTAL INITIAL LICENSE FEE	\$644.75	N/A
BIENNIAL RENEWAL FEE	\$100	\$200

*Additional fees may be required. Refer to the laws and regulations for details.

¹WREB is the Western Regional Examining Board and sets its exam fee based on testing location costs.

²Initial license fee prorated. AB 179 (Bonilla, Chapter 510, Statutes of 2015) authorizes the Board to raise specified fees.

³ADEX is the American Board of Dental Examiners and sets its own exam fees.

⁴PSI (Psychological Services Inc.) is a testing vendor that offers computer-based tests for DDS and RDA applicants. PSI has their own testing fees that do not include Board fees.

⁵Registered dental assistant in extended functions.

DENTAL BOARD OF CALIFORNIA

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ADDITIONAL OFFICE PERMIT (AO)	10,922	N/A	N/A
BOARD APPROVED FOREIGN DENTAL (DDS) SCHOOLS	0	N/A	2
CODA APPROVED CALIFORNIA DENTAL SCHOOLS (DDS)	0	N/A	6
CONSCIOUS SEDATION PERMIT (CS)	1,204	N/A	N/A
DENTAL SEDATION ASSISTANT (DSA)	58	N/A	N/A
DENTAL SEDATION ASSISTANT (DSA) COURSES	N/A	N/A	43
DENTIST LICENSE (DDS)	N/A	62,964	N/A
ELECTIVE FACIAL COSMETIC SURGERY PERMIT (EFCS)	37	N/A	N/A
FICTITIOUS NAME PERMIT (FNP)	16,389	N/A	N/A
GENERAL ANESTHESIA (GA) PERMIT	2,034	N/A	N/A
MEDICAL GENERAL ANESTHESIA PERMIT (MGA)	381	N/A	N/A
MOBILE DENTAL CLINIC PERMIT	162	N/A	N/A
ORAL CONSCIOUS SEDATION CERTIFICATE (OCS)	4,148	N/A	N/A
ORAL AND MAXILLOFACIAL SURGERY PERMIT (OMS)	128	N/A	N/A
ORTHODONTIC ASSISTANT (OA)	1,600	N/A	N/A
ORTHODONTIC ASSISTANT (OA) COURSES	N/A	N/A	165
REGISTERED DENTAL ASSISTANT (RDA)	N/A	96,768	N/A
REGISTERED DENTAL ASSISTANT (RDA) PROGRAMS	N/A	N/A	134

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
REGISTERED DENTAL ASSISTANT IN EXTENDED FUNCTIONS (RDAEF)	N/A	2,241	N/A
REGISTERED DENTAL ASSISTANT IN EXTENDED FUNCTIONS (RDAEF) PROGRAMS	N/A	N/A	12
REGISTERED PROVIDER PERMIT (RP)	3,942	N/A	N/A
SPECIAL PERMIT (SP)	235	N/A	N/A
TOTAL	41,240	161,973	362

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
DENTIST (DDS) LICENSE	EVERY 2 YEARS	50
ELECTIVE FACIAL COSMETIC SURGERY PERMIT	EVERY 2 YEARS	0
GENERAL ANESTHESIA (GA) PERMIT	EVERY 2 YEARS	24
MEDICAL GENERAL ANESTHESIA PERMIT	EVERY 2 YEARS	24
CONSCIOUS SEDATION PERMIT	EVERY 2 YEARS	15
ORAL CONSCIOUS SEDATION CERTIFICATE	EVERY 2 YEARS	7
SPECIAL PERMIT	EVERY YEAR	25
ORAL MAXILLOFACIAL SURGERY PERMIT	EVERY 2 YEARS	50
ADDITIONAL OFFICE PERMIT	EVERY 2 YEARS	0
MOBILE DENTAL CLINIC PERMIT	EVERY 2 YEARS	0
REGISTERED PROVIDER PERMIT	EVERY 2 YEARS	0
FICTITIOUS NAME PERMIT	EVERY 2 YEARS	0
REGISTERED DENTAL ASSISTANT (RDA)	EVERY 2 YEARS	25
REGISTERED DENTAL ASSISTANT IN EXTENDED FUNCTIONS (RDAEF)	EVERY 2 YEARS	25
ORTHODONTIC ASSISTANT (OA)	EVERY 2 YEARS	25
DENTAL SEDATION ASSISTANT (DSA)	EVERY 2 YEARS	25

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
RDA COMBINED	1,686	880	2,566
RDAEF LAW AND ETHICS	157	31	188
RDAEF CLINICAL	0	0	0
RDAEF PRACTICAL	0	0	0
DDS LAW AND ETHICS	992	160	1,152
DSA WRITTEN	3	2	5
OA WRITTEN	135	215	350
DDS LAW AND ETHICS FOR SP	4	0	4

Summary of Enforcement Activity**Consumer Complaints—Intake**

3,718	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
3,778	REFERRED FOR INVESTIGATION
28	PENDING

Conviction/Arrest Notification Complaints

586	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
576	REFERRED FOR INVESTIGATION
35	PENDING

Inspections

52	CONDUCTED
0	CITATIONS ISSUED

Investigations

4,354	OPENED
3,977	CLOSED
2,677	PENDING

Number of Days to Complete Intake and Investigations

2,603	UP TO 90 DAYS
601	91 TO 180 DAYS
190	181 DAYS TO 1 YEAR
364	1 TO 2 YEARS
190	2 TO 3 YEARS
29	OVER 3 YEARS
154	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

72	ISSUED
63	ISSUED WITH A FINE
6	WITHDRAWN
1	DISMISSED
301	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$42,450	ASSESSED
\$0	REDUCED
\$21,650	COLLECTED

Criminal/Civil Actions

6	REFERRALS FOR CRIMINAL/CIVIL ACTION
6	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

209	CASES OPENED/INITIATED
92	CASES CLOSED
226	CASES PENDING

DENTAL BOARD OF CALIFORNIA

Number of Days to Complete Attorney General Cases

42	UP TO 1 YEAR
33	1 TO 2 YEARS
11	2 TO 3 YEARS
6	OVER 3 YEARS
1,121	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

6	STATEMENTS OF ISSUES FILED
96	ACCUSATIONS FILED
6	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
3	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
6	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

1	LICENSE APPLICATIONS DENIED
21	REVOCATION
19	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
3	SUSPENSION ONLY
38	PROBATION ONLY
7	PUBLIC REPRIMAND
16	OTHER DECISIONS
105	TOTAL

Petition for Modification or Termination of Probation

4	GRANTED
1	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

1	GRANTED
0	DENIED

Cost Recovery

\$274,282.04	ORDERED
\$181,549.94	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

9	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

146	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

477	AVERAGE NUMBER OF DAYS
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Licenses and regulates registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice. Also oversees and approves all California dental hygiene educational programs.

www.dhbc.ca.gov

STAFF:

12 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

18,859

BOARD MEMBERSHIP:

4 public representatives
5 licensees

BOARD STAFF:

Executive Officer: Anthony Lum
anthony.lum@dca.ca.gov

Assistant Executive Officer: Elizabeth Elias
elizabeth.elias@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 1900–1967.4

California Code of Regulations, Division 10,
title 16, §§ 1000–1023.8, §§ 1067–1090.1

California Code of Regulations, Division 11,
title 16, §§ 1100–1153

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 1917.1, registered dental hygienists who are licensed in good standing in a state other than California for five years or more may achieve “licensure by credential” rather than through examination.

ACCOMPLISHMENTS

Licensing Improvements

The Board implemented a new continuing education (CE) audit program and hired staff to conduct CE audits of its licensees for license renewal compliance on an ongoing basis.

The Board implemented an Alternative Pathway to Licensure Taskforce to research, review, and recommend alternative pathways available to obtain a California dental hygiene license that is different from the current examination process.

The Board requested the Department of Consumer Affairs (DCA) Office of Professional Examination Services to conduct an analysis of both the live, patient-based clinical examinations and the alternative, manikin-based clinical examinations administered by the Western Regional Examining Board, the Central Regional Dental Testing Services (CRDTS), and the Commission on Dental Competency Assessments/American Board of Dental Examiners (CDCA/ABDE) in a concerted effort to determine whether clinical examinations for dental hygiene students were needed in the future to obtain the license.

The Board also revised and updated its statutes book and posted it on the website to reflect the changes implemented on January 1, 2021.

COVID-19 Response

During the COVID-19 pandemic, the Board implemented several provisions to allow students and applicants to proceed in their pursuit of licensure without interruption. The first provision was to obtain an approved waiver from DCA specific to the wet laboratory education requirement. This allows potential dental hygiene students to complete their biomedical prerequisite coursework online instead of in person at the campus wet laboratory. The second provision was to temporarily accept a manikin-based clinical examination administered by Central Regional Dental Testing Services, the Western Regional Examining Board, and CDCA/ABDE in lieu of the live, patient-based clinical examinations, as many administrations of the live exam were cancelled during the pandemic.

DENTAL HYGIENE BOARD OF CALIFORNIA

Also, during the peak of the pandemic, licensed dental hygienists were approved to administer COVID-19 vaccines under certain conditions and after the completion of specific vaccine administration training to assist in its distribution. DCA also temporarily waived CE requirements for licensees who had a CE deficiency at the time of their license expiration from March 31, 2020, through October 31, 2021.

The Board conducted its board meetings online through Webex during the pandemic and found that this format increased participation on average by 200%.

NEW LEGISLATION

AB 526 (Wood, Chapter 653, Statutes of 2021) vaccine training provided through the California Pharmacists Association or the U.S. Centers for Disease Control and Prevention will now count toward the fulfillment of dental hygienist's continuing education requirements.

SB 534 (Jones, Chapter 491, Statutes of 2021) makes a series of consumer protection and technical changes to the laws governing Board licensees including: (1) creating special teaching permits issued by the Board subject to expiration after four years and requires those permit-holders and applicants for licensure by reciprocity to prove they have completed specific education; (2) imposes consumer safety requirements on mobile dental hygiene clinics; (3) includes providing a false statement in the statutory definition of unprofessional conduct. This bill also makes minor, non-substantive changes to the Dental Hygienist's Practice Act.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
REGISTERED DENTAL HYGIENIST		
APPLICATION FEE (WREB, CRDTS, OR LICENSURE BY CREDENTIAL)	\$100	\$250
LICENSE ISSUANCE FEE	\$100	\$250
BIENNIAL LICENSE RENEWAL FEE	\$160	\$500
LICENSE RENEWAL DELINQUENCY FEE	\$80	1/2 LICENSE RENEWAL FEE
REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE		
APPLICATION FEE	\$100	\$250
LICENSE ISSUANCE FEE	\$250	\$250
BIENNIAL LICENSE RENEWAL FEE	\$160	\$500
LICENSE RENEWAL DELINQUENCY FEE	\$80	1/2 LICENSE RENEWAL FEE
REGISTERED DENTAL HYGIENIST IN EXTENDED FUNCTIONS		
BIENNIAL LICENSE RENEWAL FEE	\$160	\$500
LICENSE RENEWAL DELINQUENCY FEE	\$80	1/2 LICENSE RENEWAL FEE
FICTITIOUS NAME PERMIT		
APPLICATION FEE—PERMIT ISSUED MORE THAN 1 YEAR	\$160	\$500
APPLICATION FEE—PERMIT ISSUED LESS THAN 1 YEAR	\$80	\$500
BIENNIAL PERMIT RENEWAL FEE	\$160	\$500
PERMIT RENEWAL DELINQUENCY FEE	\$80	1/2 LICENSE RENEWAL FEE
MISCELLANEOUS FEES		
DUPLICATE LICENSE FEE	\$25	1/2 LICENSE RENEWAL FEE
CERTIFICATION OF LICENSURE FEE	\$25	1/2 LICENSE RENEWAL FEE

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
FICTITIOUS NAME PERMITS	18	14	36
REGISTERED DENTAL HYGIENIST	960	802	9,590
REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE	90	71	296
REGISTERED DENTAL HYGIENIST IN EXTENDED FUNCTIONS	0	0	6
TOTAL	1,068	887	9,928

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
FICTITIOUS NAME PERMITS	116	N/A	N/A
REGISTERED DENTAL HYGIENIST	N/A	18,067	N/A
REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE	N/A	654	N/A
REGISTERED DENTAL HYGIENIST IN EXTENDED FUNCTIONS	N/A	22	N/A
TOTAL	116	18,743	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
REGISTERED DENTAL HYGIENIST	EVERY 2 YEARS	25
REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE	EVERY 2 YEARS	35
REGISTERED DENTAL HYGIENIST IN EXTENDED FUNCTIONS	EVERY 2 YEARS	25

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
REGISTERED DENTAL HYGIENIST LAW AND ETHICS EXAMINATION	815	102	917
REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE LAW AND ETHICS EXAMINATION	79	18	97

The DHBC no longer administers a clinical examination and relies on regional examination results for licensure (WREB and CRDTS).

Summary of Enforcement Activity

Consumer Complaints—Intake	
338	RECEIVED
3	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
409	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
91	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
91	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
500	OPENED
447	CLOSED
118	PENDING

Number of Days to Complete Intake and Investigations	
223	UP TO 90 DAYS
35	91 TO 180 DAYS
176	181 DAYS TO 1 YEAR
8	1 TO 2 YEARS
3	2 TO 3 YEARS
2	OVER 3 YEARS
149	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
75	ISSUED
75	ISSUED WITH A FINE
2	WITHDRAWN
2	DISMISSED
246	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

DENTAL HYGIENE BOARD OF CALIFORNIA

Total Amount of Fines

\$10,000	ASSESSED
\$500	REDUCED
\$8,638	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

3	CASES OPENED/INITIATED
15	CASES CLOSED
8	CASES PENDING

Number of Days to Complete Attorney General Cases

3	UP TO 1 YEAR
6	1 TO 2 YEARS
3	2 TO 3 YEARS
3	OVER 3 YEARS
676	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
6	REVOCATION
3	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
5	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
14	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$31,425.25	ORDERED
\$11,658.37	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

146	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

400	AVERAGE NUMBER OF DAYS
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BUREAU OF HOUSEHOLD GOODS AND SERVICES

Registers and regulates electronic and appliance repair businesses and has jurisdiction over the sale and administration of service contracts on various consumer products. Licenses and regulates the manufacture and sale (retail, wholesale, and import) of upholstered furniture and bedding, supply dealers, custom upholsterers, bedding sanitizers, and the manufacture of thermal insulation products, and tests for flammability and sanitization. Permits and regulates the transport of household goods and personal effects by household movers and brokers.

www.bhgs.dca.ca.gov

STAFF:

62.9 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

41,797

ADVISORY COUNCIL MEMBERSHIP:

3 public representatives
7 industry members

BUREAU STAFF:

Chief: Justin Paddock
justin.paddock@dca.ca.gov

Deputy Chief: Vacant

LAWS AND REGULATIONS:

Business and Professions Code §§ 9800–9874;
§§ 19000–19221; §§ 19225–19294

California Code of Regulations, Division 27,
title 16, §§ 2700–2775

California Code of Regulations, Division 3,
title 4, §§ 1101–1383.6

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS

State Flammability Standard for Upholstered Furniture Now the National Standard

The Bureau developed and implemented the performance standard for upholstered furniture, Technical Bulletin (TB) 117-2013, in 2015. The intent of the standard is to slow the propagation of upholstered furniture fires and reduce the probability of death or injury by providing an opportunity for escape.

California was the only state with a mandatory flammability standard for upholstered furniture until December 2020 when Congress signed H.R. 133, “COVID-19 Regulatory Relief and Work from Home Safety Act.” The Act adopted the Bureau’s flammability standard as the national standard and requires the U.S. Consumer Product Safety Commission to promulgate regulations for the implementation and enforcement of TB 117-2013. This has resulted in a collaborative effort to gain insight into the Bureau’s experience with testing efforts and guidelines.

Outreach

The Bureau participated in two national conferences to provide background and expertise on California’s flammability and label requirements related to TB 117-2013. With the anticipated adoption of TB 117-2013 as the federal standard, the conferences allowed Bureau representatives to educate stakeholders about TB 117-2013 and the Bureau’s testing protocols.

The Bureau presented in the American Home Furnishings Alliance Webinar Series—“Unwrapping the Federal Flammability Bill”—in February 2021. In addition, the Bureau participated in the International Association of Bedding and Furniture Labeling Officials’ 86th National Conference in April 2021. During the conferences, Bureau representatives clarified to stakeholders H.R. 133 does not preempt existing upholstered furniture-related mandates in California such as labeling requirements under Senate Bill 1019 (Leno, Chapter 862, Statutes of 2014) and TB 117-2013.

BUREAU OF HOUSEHOLD GOODS AND SERVICES

Bureau representatives met with the California Moving and Storage Association (CMSA) to present at the 103rd Annual CMSA Convention. Bureau representatives provided updates about developments within the Bureau's Enforcement, Licensing, and Policy units, as well as future goals for continued implementation of the Household Movers Act.

The Bureau served as a member of the COVID-19 Task Force to provide health and safety guidance and education to California businesses. The Bureau contacted approximately 20 businesses each week to help ensure compliance with public health orders to protect California consumers, employees, and business owners.

Strengthened Enforcement

The Bureau has taken several actions to strengthen enforcement resources and enhance its ability to reduce fraud and consumer harm. In October 2020, the Bureau executed a Memorandum of Agreement (MOA) with the Federal Motor Carrier Safety Administration (FMCSA) to complement the Bureau's enforcement program for household movers. Through this agreement, the Bureau obtained access to FMCSA national licensing, enforcement, and complaint databases to help identify owners, partners, locations, and histories of illegal behavior of household movers subject to a Bureau investigation.

The MOA authorizes the Bureau to enforce federal law pertaining to household movers performing interstate moves and allows the Bureau to retain any fines collected resulting from Bureau enforcement. FMCSA worked with the Bureau to train employees and managers on the federal laws the Bureau will be enforcing. In addition, FMCSA trained personnel on how to use databases to research and report findings of Bureau investigations.

Collaboration With Department of Real Estate

The Bureau collaborated with the Department of Real Estate (DRE) to encourage its 450,000 licensees to refer their clients only to permitted household movers. Unpermitted household movers are a primary source of consumer complaints received by the Bureau due to their unethical practices. Through this joint effort, the DRE published an article in its "Summer 2021 Real Estate Bulletin." This article was developed to help real estate brokers prevent their clients from suffering substantial financial harm as a result of contracting with unpermitted household movers.

Laboratory Accreditation

The Bureau awarded a contract to the International Accreditation Service (IAS) in 2020 to obtain an independent evaluation of the Bureau's compliance with the International Organization for Standardization/

International Electrotechnical Commission 17025:2017, General Requirements for the Competence of Testing and Calibration Laboratories, in relation to testing of upholstered furniture and bedding products. Accreditation involves review of the laboratory's quality management system, an on-site examination of sample handling and testing processes, review of laboratory working areas and equipment, and auditor interviews with staff.

The Bureau was proud to receive a Certificate of Accreditation from IAS in May 2021. This certification is demonstrative of the Bureau's technical competence and ability to produce accurate and valid test results. In addition, accreditation and ongoing evaluation will ensure standards are met on a consistent basis.

Examination Process Improvements

The Bureau continued to streamline and improve the examination process for household mover permit applicants. The Bureau formed a working group to revise the household movers permit examination, making it more applicable to real-world practices. Updating the examination ensures household movers have the appropriate level of knowledge and experience required to conduct business as a permit holder.

Additionally, the Bureau now provides a computer-based examination, replacing outdated paper testing. Applicants may also register online and schedule their examination. Previously, the examination was only given at the Bureau's Sacramento location, making the examination process inconvenient and burdensome for some applicants. Applicants now have access to approximately 40 testing sites located within and outside California. Test results are provided instantly, compared to an up to two-week wait for results with the paper method. Computer-based testing also frees Bureau resources, shortens the permit issuing timeline, and reduces barriers to becoming permitted.

NEW LEGISLATION

AB 1221 (Flora, Chapter 452, Statutes of 2021)

specifies that a service contract may cover a class of products and allows service contracts to be offered on a month-by-month basis or as continuous until canceled by the consumer or service contractor. This bill requires a service contract that continues until canceled to disclose to the buyer, in a clear and conspicuous manner, that the service contract will continue until canceled. This bill also requires the disclosure to include a toll-free number, email address, postal address and, if one exists, a website where the buyer can cancel the service contract. This bill's provisions will be applicable to contracts entered into on or after January 1, 2022.

License Requirements*

License Requirements	Y/N
ELECTRONIC AND APPLIANCE REPAIR (EAR) REGISTRATIONS/HOME FURNISHINGS AND THERMAL INSULATION (HFTI) LICENSES	
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	N
HOUSEHOLD MOVERS PERMITS	
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type/Fee Type	Actual Fee	Statutory Limit
APPLIANCE SERVICE DEALER		
INITIAL REGISTRATION FEE	\$190	\$205
RENEWAL FEE (ANNUAL)	\$190	\$205
COMBINATION SERVICE DEALER		
INITIAL REGISTRATION FEE	\$375	\$405
RENEWAL FEE (ANNUAL)	\$375	\$400
ELECTRONIC SERVICE DEALER		
INITIAL REGISTRATION FEE	\$190	\$205
RENEWAL FEE (ANNUAL)	\$190	\$205
SERVICE CONTRACT ADMINISTRATOR		
INITIAL REGISTRATION FEE	\$95	\$95
RENEWAL FEE (ANNUAL)	\$95	\$95
SERVICE CONTRACT SELLER		
INITIAL REGISTRATION FEE	\$95	\$95
RENEWAL FEE (ANNUAL)	\$95	\$95
BEDDING RETAILER		
INITIAL LICENSE FEE	\$140	\$150
RENEWAL FEE (BIENNIAL)	\$140	\$150
CUSTOM UPHOLSTERER		
INITIAL LICENSE FEE	\$420	\$450
RENEWAL FEE (BIENNIAL)	\$420	\$450
FURNITURE AND BEDDING MANUFACTURER		
INITIAL LICENSE FEE	\$750	\$940
RENEWAL FEE (BIENNIAL)	\$750	\$940

License Type/Fee Type	Actual Fee	Statutory Limit
FURNITURE AND BEDDING RETAILER		
INITIAL LICENSE FEE	\$280	\$300
RENEWAL FEE (BIENNIAL)	\$280	\$300
FURNITURE AND BEDDING WHOLESALER		
INITIAL LICENSE FEE	\$625	\$675
RENEWAL FEE (BIENNIAL)	\$625	\$675
FURNITURE RETAILER		
INITIAL LICENSE FEE	\$140	\$150
RENEWAL FEE (BIENNIAL)	\$140	\$150
IMPORTER (INCLUDES OVERSEAS MANUFACTURERS)		
INITIAL LICENSE FEE	\$750	\$940
RENEWAL FEE (BIENNIAL)	\$750	\$940
SANITIZER		
INITIAL LICENSE FEE	\$420	\$450
RENEWAL FEE (BIENNIAL)	\$420	\$450
SUPPLY DEALER		
INITIAL LICENSE FEE	\$625	\$675
RENEWAL FEE (BIENNIAL)	\$625	\$675
THERMAL INSULATION MANUFACTURER		
INITIAL LICENSE FEE	\$2,000	\$8,000
RENEWAL FEE (ANNUAL)	\$2,000	\$2,500
HOUSEHOLD MOVER		
INITIAL APPLICATION FEE	\$500	\$500
QUARTERLY FEE	\$15 AND 1/10TH OF 1% OF REVENUE	\$15 AND 1/10TH OF 1% OF REVENUE

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
APPLIANCE SERVICE DEALER	392	371	1,861
BEDDING RETAILER	2	93	951
COMBINATION SERVICE DEALER	16	15	100
CUSTOM UPHOLSTERER	49	42	196
ELECTRONIC SERVICE DEALER	196	191	2,818
FURNITURE AND BEDDING MANUFACTURER	137	82	587
FURNITURE AND BEDDING RETAILER	260	394	3,605
FURNITURE AND BEDDING WHOLESALER	19	17	80
FURNITURE RETAILER	182	131	745
IMPORTER	823	907	2,076
SANITIZER	0	0	7

BUREAU OF HOUSEHOLD GOODS AND SERVICES

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
SERVICE CONTRACT ADMINISTRATOR	0	9	47
SERVICE CONTRACT SELLER	272	1,386	7,070
SUPPLY DEALER	3	0	40
THERMAL INSULATION MANUFACTURER	5	1	87
HOUSEHOLD MOVERS PERMIT	209	165	N/A
TOTAL	2,565	3,804	20,270

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
APPLIANCE SERVICE DEALER	N/A	2,530	N/A
BEDDING RETAILER	N/A	2,171	N/A
COMBINATION SERVICE DEALER	N/A	413	N/A
CUSTOM UPHOLSTERER	N/A	446	N/A
ELECTRONIC SERVICE DEALER	N/A	3,767	N/A
FURNITURE AND BEDDING MANUFACTURER	N/A	1,342	N/A
FURNITURE AND BEDDING RETAILER	N/A	10,907	N/A
FURNITURE AND BEDDING WHOLESALE	N/A	166	N/A
FURNITURE RETAILER	N/A	2,039	N/A
IMPORTER	N/A	5,670	N/A
SANITIZER	N/A	25	N/A
SERVICE CONTRACT ADMINISTRATOR	N/A	61	N/A
SERVICE CONTRACT SELLER	N/A	11,000	N/A
SUPPLY DEALER	N/A	86	N/A
THERMAL INSULATION MANUFACTURER	N/A	98	N/A
HOUSEHOLD MOVERS PERMIT	1,076	N/A	N/A
TOTAL	1,076	40,721	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
APPLIANCE SERVICE DEALER	EVERY YEAR	0
COMBINATION SERVICE DEALER	EVERY YEAR	0
ELECTRONIC SERVICE DEALER	EVERY YEAR	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
SERVICE CONTRACT ADMINISTRATOR	EVERY YEAR	0
SERVICE CONTRACT SELLER	EVERY YEAR	0
BEDDING RETAILER	EVERY 2 YEARS	0
CUSTOM UPHOLSTERER	EVERY 2 YEARS	0
FURNITURE AND BEDDING MANUFACTURER	EVERY 2 YEARS	0
FURNITURE AND BEDDING RETAILER	EVERY 2 YEARS	0
FURNITURE AND BEDDING WHOLESALE	EVERY 2 YEARS	0
FURNITURE RETAILER	EVERY 2 YEARS	0
IMPORTER (INCLUDES OVERSEAS MANUFACTURERS)	EVERY 2 YEARS	0
SANITIZER	EVERY 2 YEARS	0
SUPPLY DEALER	EVERY 2 YEARS	0
THERMAL INSULATION MANUFACTURER	EVERY YEAR	0
HOUSEHOLD MOVER*	N/A	0

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
HOUSEHOLD MOVERS EXAM	185	20	205

*Household mover permit holders are not subject to renewal. In lieu of renewal, permit holders file quarterly reports with fees based on their revenue.

Summary of Enforcement Activity

Consumer Complaints—Intake	
2,573	RECEIVED
1,111	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1,508	REFERRED FOR INVESTIGATION
11	PENDING

Conviction/Arrest Notification Complaints	
3	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
4	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
874	CONDUCTED
438	CITATIONS ISSUED

BUREAU OF HOUSEHOLD GOODS AND SERVICES

Investigations

1,512	OPENED
1,153	CLOSED
677	PENDING

Number of Days to Complete Intake and Investigations

624	UP TO 90 DAYS
194	91 TO 180 DAYS
207	181 DAYS TO 1 YEAR
103	1 TO 2 YEARS
17	2 TO 3 YEARS
8	OVER 3 YEARS
141	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

438	ISSUED
74	ISSUED WITH A FINE
1	WITHDRAWN
0	DISMISSED
169	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$219,951	ASSESSED
\$420	REDUCED
\$11,150	COLLECTED

Criminal/Civil Actions

21	REFERRALS FOR CRIMINAL/CIVIL ACTION
7	CRIMINAL ACTIONS FILED
6	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

0	CASES OPENED/INITIATED
0	CASES CLOSED
0	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
0	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$0	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings

\$13,000	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$13,000	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

7	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

134	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

0	AVERAGE NUMBER OF DAYS
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The Landscape Architects Technical Committee's purpose is to act in an advisory capacity to the Board on examination and other matters pertaining to the regulation of the practice of landscape architecture in California.

www.latc.ca.gov

STAFF:

5 civil servant positions
0 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

3,711

COMMITTEE MEMBERSHIP:

5 licensees

COMMITTEE STAFF:

Executive Officer: Laura Zuniga
laura.zuniga@dca.ca.gov

Program Manager: Trish Rodriguez
trish.rodriguez@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 5615–5683

California Code of Regulations, Division 26,
title 16, §§ 2602–2680

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Committee Highlights

RECIPROCITY

Pursuant to California Code of Regulations, title 16, Division 26, section 2615, in order to be eligible for reciprocal licensure in California, a candidate must be licensed as a landscape architect in another U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter to the Landscape Architect Registration Examination (LARE), meet the education and training requirements for first-time exam candidates, and successfully complete the California Supplemental Examination (CSE). For purposes of reciprocity, the LATC recognizes two national examinations, which are the: 1) LARE; and 2) Uniform National Examination for Landscape Architects.

ACCOMPLISHMENTS

Business Modernization

The Committee partnered with DCA's Office of Information Services and completed two stages of the California Department of Technology's Project Approval Lifecycle. Efforts continue toward identifying a new licensing and enforcement technology platform.

The Committee completed the August 2020 occupational analysis report to ensure that candidates are tested on current and relevant California-specific issues.

Outreach

The Committee published an updated *2021 Landscape Architects Practice Act* booklet to provide the public and licensees with current rules and regulations and launched a set of online video tutorials to clarify the licensure process for candidates.

Regulatory Change Proposals

The Committee prepared, amended, and adopted various regulatory packages during fiscal year 2020–21 that improve licensing processes for applicants, improve Committee procedures, address licensees' needs during emergencies, and increase transparency to consumers regarding licensed landscape architects.

Website Enhancements

As enacted, Assembly Bill 434 (Baker, Chapter 780, Statutes of 2017) requires websites of state agencies be in compliance with specified accessibility standards to ensure compatibility with assistive technologies (screen reading software, refreshable Braille displays, screen magnifiers). Committee staff attended document remediation training offered by the California Department of Technology and worked together to identify and remediate all inaccessible documents on the Committee's website. As of June 28, 2021, the website is in full compliance with AB 434.

NEW LEGISLATION

There was no enacted legislation solely related to the Committee in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	N

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
LANDSCAPE ARCHITECTS: APPLICATION FEE (LARE ELIGIBILITY)	\$35	\$100
LANDSCAPE ARCHITECTS: APPLICATION FEE (CSE)	\$35	\$100
LANDSCAPE ARCHITECTS: EXAMINATION FEE	\$275	N/A
LANDSCAPE ARCHITECTS: LICENSURE FEE	\$400	\$400
LANDSCAPE ARCHITECTS: BIENNIAL RENEWAL FEE	\$400	\$400

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
LANDSCAPE ARCHITECT	85	86	1,804
TOTAL	85	86	1,804

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
LANDSCAPE ARCHITECT	N/A	3,711	N/A
TOTAL	N/A	3,711	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
LANDSCAPE ARCHITECT LICENSE RENEWAL	EVERY 2 YEARS	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
LANDSCAPE ARCHITECT REGISTRATION EXAMINATION (LARE)			
SECTION 1: PROJECT AND CONSTRUCTION MANAGEMENT	133	74	207
SECTION 2: INVENTORY AND ANALYSIS	110	80	190
SECTION 3: DESIGN	86	61	147
SECTION 4: GRADING, DRAINAGE, AND CONSTRUCTION DOCUMENTATION	90	64	154
CSE			
CALIFORNIA SUPPLEMENTAL EXAMINATION	95	45	140

Summary of Enforcement Activity

Consumer Complaints—Intake	
21	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
21	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
8	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
8	REFERRED FOR INVESTIGATION
0	PENDING

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
29	OPENED
31	CLOSED
8	PENDING

Number of Days to Complete Intake and Investigations	
20	UP TO 90 DAYS
5	91 TO 180 DAYS
6	181 DAYS TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
86	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
0	ISSUED
0	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
0	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$0	ASSESSED
\$0	REDUCED
\$1,000	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
0	CASES OPENED/INITIATED
0	CASES CLOSED
0	CASES PENDING

Number of Days to Complete Attorney General Cases	
0	UP TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
0	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation	
0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
0	GRANTED
0	DENIED

Cost Recovery	
\$0	ORDERED
\$2,070.40	COLLECTED

Restitution to Consumers/Refunds/Savings	
\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment	
1	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
86	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
0	AVERAGE NUMBER OF DAYS



Licenses and regulates physicians and surgeons; licensed midwives, polysomnographic trainees, technicians, and technologists; research psychoanalysts; issues special faculty permits; and approves outpatient surgery setting accreditation agencies.

www.mbc.ca.gov

STAFF:

177.2 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

172,895

BOARD MEMBERSHIP:

7 public representatives
8 licensees

BOARD STAFF:

Executive Director: William Prasifka
william.prasifka@mbc.ca.gov

Deputy Director: Reji Varghese
reji.varghese@mbc.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2000–2448,
§§ 2500–2529.6, §§ 3575–3579

California Code of Regulations, Division 13,
title 16, §§ 1300–1379.78

SUNSET REVIEW:

Last review: 2021 Next review: 2023

Board Highlights

RECIPROCITY

The California Medical Practice Act does not allow for license reciprocity between states. Out-of-state applicants who are licensed in another state must apply and meet California licensing requirements before a license can be issued. Business and Professions Code sections 2135, 2135.5, and 2135.7 provide some exceptions when minimum requirements are deficient.

ACCOMPLISHMENTS

Sunset Review

Fiscal year 2020–21 marked the initial stages of the Board's sunset review. A sunset review takes place every four years and is an opportunity for the Board to review the work it has accomplished on behalf of California consumers with state legislators and various stakeholders. Stakeholders also provided comments on the Board's operations and recommended statutory changes to the Legislature.

During the current review, the Board participated in two legislative sunset hearings. The first hearing was held March 19, 2021 and focused on the Board's Enforcement Program. The second hearing was held May 5, 2021 and reviewed the Board's licensing processes. Prior to the hearings, the Board submitted its sunset report to the Legislature and included multiple requests for statutory changes the Board believes would strengthen consumer protection in California. The Board's sunset extension, as well as other law changes approved by the Legislature, are included within Senate Bill 806 (Roth, Chapter 649, Statutes of 2021).

Consumer Protection

In collaboration with the California Department of Public Health (CDPH), the Board's Prescription Review Program, formerly known as the Death Certificate Project, continued its work identifying physicians who may be inappropriately prescribing opioids to patients.

The Board made improvements to the program after receiving feedback from stakeholders, including a change to the project name that better reflects its connection to the Board's consumer protection mission. In addition, the Board decided to focus on the most recently available prescribing data, which would limit reviews of prescriptions to those issued after the Board published its controlled substances prescribing guidelines.

The methodology in reviewing the data received from CDPH was also updated to conduct a review of overall prescribing patterns of all physicians who treated a deceased person before initiating a full investigation of a certain physician.

Outreach and Communication

During 2020–21, the Board launched an outreach campaign for Assembly Bill 149 (Cooper, Chapter 4, Statutes of 2019), which requires prescribers to use prescription forms containing a unique serialized number and other security features when prescribing controlled substances.

The Board's campaign consisted of a podcast, newsletter articles, website content, social media messaging, and email messaging. The campaign was amplified by the Department of Consumer Affairs (through a news release) and the California State Board of Pharmacy to reach other prescribers impacted by the law but not regulated by the Board.

Expansion of Public Stakeholders Meetings

Previously held annually, the Board increased the frequency of its Public Stakeholder meetings, strengthening the Board's commitment to bringing public stakeholders together to engage in a dialogue with the Board.

The goal of Public Stakeholder meetings is to expand communication with public stakeholders, respond to their questions, comments and suggestions, and discuss ways for the Board to improve its processes in pursuit of its consumer protection mission.

The first meeting took place April 21, 2021, and featured a presentation from Bridget Fogarty Gramme of the Center for Public Interest Law. Gramme's presentation—"Amplifying Public Voices: Transforming Public Comment into Meaningful Change"—provided several tools consumers can use to communicate with the Board at various public meetings and spoke of the Board's jurisdiction and legislative authority.

NEW LEGISLATION

AB 356 (Chen, Chapter 459, Statutes of 2021)

authorizes the Department of Public Health to issue a nonrenewable, temporary 12-month fluoroscopy permit to a licensed physician and surgeon who has submitted an application for a fluoroscopy certificate, has at least 40 hours of fluoroscopy experience while not subject to the Radiologic Technology Act, and pays a fee.

AB 359 (Cooper, Chapter 612, Statutes of 2021)

clarifies existing law regarding the options available to an out-of-state physician who required more than four attempts to obtain a passing score on Step 3 of the United States Medical Licensing Examination, seeking licensure in California. This bill also allows physicians to apply certain courses relating to practice management, as specified, toward their continuing medical education requirements.

SB 806 (Roth, Chapter 649, Statutes of 2021)

is the sunset bill for the Board that extends its operations until January 1, 2024. Among other things, this bill raises fees, allows for cost recovery, makes changes to the postgraduate training license, and requires the appointment of an enforcement monitor for the Board by DCA.

License Requirements*

License Requirements	Y/N
PHYSICIAN AND SURGEON	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENTS	Y
LICENSED MIDWIFE	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENTS	Y
RESEARCH PSYCHOANALYST	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
FICTITIOUS NAME PERMIT	
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	N

License Requirements	Y/N
SPECIAL PROGRAMS (INDIVIDUAL)	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
SPECIAL FACULTY PERMIT	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENTS	Y
POLYSOMNOGRAPHIC TRAINEE	
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
POLYSOMNOGRAPHIC TECHNICIAN	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
POLYSOMNOGRAPHIC TECHNOLOGIST	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
POSTGRADUATE TRAINING LICENSE	
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	Y
OUTPATIENT SURGERY SETTING ACCREDITATION AGENCIES	
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENTS	N

Fees*

License Type	Actual Fee	Statutory Limit
PHYSICIAN AND SURGEON		
APPLICATION FEE	\$442**	\$442
INITIAL LICENSE FEE	\$783	\$790
BIENNIAL RENEWAL FEE	\$783	\$790
POSTGRADUATE TRAINING LICENSE		
APPLICATION FEE	\$442**	\$442
SPECIAL FACULTY PERMIT		
SPECIAL FACULTY PERMIT APPLICATION FEE	\$442**	\$442
SPECIAL FACULTY PERMIT INITIAL LICENSE FEE	\$783	\$790
SPECIAL FACULTY PERMIT BIENNIAL RENEWAL FEE	\$783	\$790
SPECIAL PROGRAMS APPLICATION FEE	\$86	\$86
SPECIAL PROGRAMS ANNUAL RENEWAL FEE	\$43	\$43
FICTITIOUS NAME PERMIT FEE	\$50	\$50
FICTITIOUS NAME PERMIT BIENNIAL RENEWAL FEE	\$40	\$40
LICENSED MIDWIFE		
INITIAL FEE	\$300**	\$300
BIENNIAL RENEWAL FEE	\$200	\$200
POLYSOMNOGRAPHIC		
TRAINEE APPLICATION FEE	\$100**	\$100
TRAINEE REGISTRATION FEE	\$100	\$100
TECHNICIAN APPLICATION FEE	\$100**	\$100
TECHNICIAN REGISTRATION FEE	\$100	\$100
TECHNOLOGIST APPLICATION FEE	\$100**	\$100
TECHNOLOGIST REGISTRATION FEE	\$100	\$100
BIENNIAL RENEWAL FEE: TRAINEE, TECHNICIAN, AND TECHNOLOGIST	\$150	\$150
RESEARCH PSYCHOANALYST		
INITIAL FEE	\$100**	\$100
BIENNIAL RENEWAL FEE	\$50	\$50
OUTPATIENT SURGERY SETTING ACCREDITATION AGENCIES		
INITIAL FEE	\$5,000**	\$5,000
RENEWAL FEE	100***	\$100

*Additional fees may be required. Refer to the laws and regulations for details.

**Additional \$49 Department of Justice/FBI fingerprint fee required.

***\$100 per setting every three years.

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
FICTITIOUS NAME PERMIT (MBC)	1,583	1,418	5,415
LICENSED MIDWIFE	44	36	225
PHYSICIAN AND SURGEON (MBC)	4,699	4,341	70,802
POLYSOMNOGRAPHIC TECHNICIAN	16	15	62
POLYSOMNOGRAPHIC TECHNOLOGIST	20	20	417
POLYSOMNOGRAPHIC TRAINEE	9	5	21
RESEARCH PSYCHOANALYST	9	4	15
SPECIAL FACULTY PERMIT	1	4	13
SPECIAL PROGRAMS (INDIVIDUAL)	32	30	105
POSTGRADUATE TRAINING LICENSE	3,099	3,865	N/A
OUTPATIENT SURGERY SETTING ACCREDITATION AGENCIES	0	0	0
TOTAL	9,512	9,738	77,075

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
FICTITIOUS NAME PERMIT (MBC)	13,082	0	0
LICENSED MIDWIFE	0	484	0
PHYSICIAN AND SURGEON (MBC)	0	152,568	0
POLYSOMNOGRAPHIC TECHNICIAN	0	137	0
POLYSOMNOGRAPHIC TECHNOLOGIST	0	626	0
POLYSOMNOGRAPHIC TRAINEE	0	48	0
RESEARCH PSYCHOANALYST	0	88	0
SPECIAL FACULTY PERMIT	27		0
SPECIAL PROGRAMS (INDIVIDUAL)	0	176	0
POSTGRADUATE TRAINING LICENSE	0	5,655	0
OUTPATIENT SURGERY SETTING ACCREDITATION AGENCIES	0	0	4
TOTAL	13,109	159,782	4

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PHYSICIAN AND SURGEON	EVERY 2 YEARS	50
SPECIAL FACULTY PERMIT	EVERY 2 YEARS	50
SPECIAL PROGRAMS (INDIVIDUAL)	EVERY 2 YEARS	N/A
FICTITIOUS NAME PERMIT	EVERY 2 YEARS	N/A
LICENSED MIDWIFE	EVERY 2 YEARS	36
POLYSOMNOGRAPHIC TRAINEE	EVERY 2 YEARS	N/A
POLYSOMNOGRAPHIC TECHNICIAN	EVERY 2 YEARS	N/A
POLYSOMNOGRAPHIC TECHNOLOGIST	EVERY 2 YEARS	N/A
RESEARCH PSYCHOANALYST	EVERY 2 YEARS	N/A
POSTGRADUATE TRAINING LICENSE	N/A	N/A
OUTPATIENT SURGERY SETTING ACCREDITATION AGENCY	EVERY 3 YEARS	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
N/A	N/A	N/A	N/A

Summary of Enforcement Activity PHYSICIAN AND SURGEON (8002, 8009, 8011)

Consumer Complaints—Intake	
9,892	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
10,059	REFERRED FOR INVESTIGATION
48	PENDING

Conviction/Arrest Notification Complaints	
211	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
213	REFERRED FOR INVESTIGATION
3	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
10,272	OPENED
12,716	CLOSED
3,946	PENDING

Number of Days to Complete Intake and Investigations

6,722	UP TO 90 DAYS
1,459	91 TO 180 DAYS
2,805	181 DAYS TO 1 YEAR
1,414	1 TO 2 YEARS
308	2 TO 3 YEARS
8	OVER 3 YEARS
169	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

51	ISSUED
48	ISSUED WITH A FINE
8	WITHDRAWN
0	DISMISSED
480	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$31,900	ASSESSED
\$0	REDUCED
\$27,450	COLLECTED

Criminal/Civil Actions

32	REFERRALS FOR CRIMINAL/CIVIL ACTION
1	CRIMINAL ACTIONS FILED
3	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

689	CASES OPENED/INITIATED
660	CASES CLOSED
567	CASES PENDING

Number of Days to Complete Attorney General Cases

67	UP TO 1 YEAR
136	1 TO 2 YEARS
199	2 TO 3 YEARS
258	OVER 3 YEARS
1,043	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

3	STATEMENTS OF ISSUES FILED
383	ACCUSATIONS FILED
36	PETITIONS TO REVOKE PROBATION/ACCUSATIONS AND PETITION TO REVOKE PROBATION FILED
67	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
2	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
29	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
36	REVOCATION
118	SURRENDER OF LICENSE
4	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
141	PROBATION ONLY
152	PUBLIC REPRIMAND
2	OTHER DECISIONS
453	TOTAL

Subsequent Disciplinary Administrative Outcomes/Final

13	REVOCATION
7	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
10	PROBATION ONLY
2	PUBLIC REPRIMAND
0	OTHER DECISIONS
32	TOTAL

Petition for Modification or Termination of Probation

33	GRANTED
14	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

5	GRANTED
9	DENIED

Cost Recovery

\$7,425	ORDERED
\$8,615	COLLECTED

Restitution to Consumers/Refunds/Savings

\$1,650	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$1,650	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

6	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

163	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

411	AVERAGE NUMBER OF DAYS
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Summary of Enforcement Activity LICENSED MIDWIFE (8001)

Consumer Complaints—Intake

29	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
30	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints

0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

0	CONDUCTED
0	CITATIONS ISSUED

Investigations

30	OPENED
43	CLOSED
2	PENDING

Number of Days to Complete Intake and Investigations

28	UP TO 90 DAYS
1	91 TO 180 DAYS
8	181 DAYS TO 1 YEAR
6	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
137	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

2	ISSUED
1	ISSUED WITH A FINE
1	WITHDRAWN
0	DISMISSED
518	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$350	ASSESSED
\$0	REDUCED
\$0	COLLECTED

Criminal/Civil Actions

1	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

4	CASES OPENED/INITIATED
5	CASES CLOSED
4	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
0	1 TO 2 YEARS
1	2 TO 3 YEARS
4	OVER 3 YEARS
1,572	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
3	ACCUSATIONS FILED
0	PETITIONS TO REVOKE PROBATION/ACCUSATIONS AND PETITION TO REVOKE PROBATION FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
3	PUBLIC REPRIMAND
0	OTHER DECISIONS
3	TOTAL

Subsequent Disciplinary Administrative Outcomes/Final

0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

**Petition for Reinstatement of Revoked License/
Registration/Certification**

0	GRANTED
0	DENIED

Cost Recovery

\$8,000	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

6	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

131	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

664	AVERAGE NUMBER OF DAYS
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**Summary of Enforcement Activity
RESEARCH PSYCHOANALYST (8003)****Consumer Complaints—Intake**

0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints

0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

0	CONDUCTED
0	CITATIONS ISSUED

Investigations

0	OPENED
1	CLOSED
0	PENDING

Number of Days to Complete Intake and Investigations

0	UP TO 90 DAYS
0	91 TO 180 DAYS
1	181 DAYS TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
363	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

0	ISSUED
0	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$0	ASSESSED
\$0	REDUCED
\$0	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

0	CASES OPENED/INITIATED
0	CASES CLOSED
0	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
0	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	PETITIONS TO REVOKE PROBATION/ACCUSATIONS AND PETITION TO REVOKE PROBATION FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Subsequent Disciplinary Administrative Outcomes/Final

0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$0	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

0	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

351	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

0	AVERAGE NUMBER OF DAYS
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Summary of Enforcement Activity
POLYSOMNOGRAPHY (8012)

Consumer Complaints—Intake

1	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints

2	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
2	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

0	CONDUCTED
0	CITATIONS ISSUED

Investigations

3	OPENED
18	CLOSED
0	PENDING

Number of Days to Complete Intake and Investigations

2	UP TO 90 DAYS
1	91 TO 180 DAYS
6	181 DAYS TO 1 YEAR
9	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
299	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

0	ISSUED
0	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
0	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$0	ASSESSED
\$0	REDUCED
\$0	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

6	CASES OPENED/INITIATED
2	CASES CLOSED
6	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
1	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
799	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
3	ACCUSATIONS FILED
0	PETITIONS TO REVOKE PROBATION/ACCUSATIONS AND PETITION TO REVOKE PROBATION FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
1	REVOCATION
1	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
1	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
3	TOTAL

Subsequent Disciplinary Administrative Outcomes/Final

0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$0	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

296	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

325	AVERAGE NUMBER OF DAYS
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NATUROPATHIC MEDICINE COMMITTEE

Licenses and regulates naturopathic doctors.
www.naturopathic.ca.gov

STAFF:

1 civil servant position
 1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

1,268

COMMITTEE MEMBERSHIP:

2 public representatives
 5 licensees
 2 physicians: 1 doctor of allopathic medicine (M.D.)
 and 1 doctor of osteopathic medicine (D.O.)

COMMITTEE STAFF:

Executive Officer: Rebecca Mitchell
rebecca.mitchell@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code, Division 2,
 Chapter 8.2 §§ 3610–3686

California Code of Regulations, Division 40,
 title 16, §§ 4200–4268

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Committee Highlights

RECIPROCITY

The Committee does not have reciprocity.

ACCOMPLISHMENTS

Addressing COVID-19 Impacts

With the COVID-19 state of emergency in California, Governor Gavin Newsom called on doctors and allied health care providers—both in California and across the nation—to assist the state during the pandemic. Executive Order N-39-20 empowered the director of the Department of Consumer Affairs (DCA) to waive specified licensing requirements for naturopathic doctors seeking license reactivation from an inactive or canceled license renewal status during the state of emergency. The waivers allow naturopathic doctors with an inactive or canceled license to reactivate their license without paying fees or completing continuing education (CE) requirements. Similarly, the Committee delayed CE requirements for licensed naturopathic doctors with a license expiration date within a specified time frame. In all, the Committee issued renewals to more than 50 licensees under these waivers.

The COVID-19 pandemic made a significant and direct impact on the Committee's everyday operations. In response to the pandemic, the Committee moved its quarterly meeting from an in-person format to an online format through the Webex platform. The Committee plans to hold future meetings via Webex for as long as authorized to allow the Committee to continue its operations during the pandemic.

Website Enhancements

The Committee collaborated with DCA's Office of Publications, Design and Editing to update its website. Launched in July 2021, the new, robust website is user-friendly and includes increased functionality as well as more resources for consumers, licensees, and naturopathic students. The Committee expects the updated website to increase consumer satisfaction and decrease telephone inquiries. The updated website will reduce barriers for licensure by providing valuable resources for its applicants.

Strategic Plan

In January 2020, the Committee adopted its 2020–2024 Strategic Plan with goals and objectives to be accomplished by 2024. The Strategic Plan incorporated stakeholders' input to formulate the goals that assist the Committee in effectively carrying out its mission: protecting California health care consumers and expanding access to safe and effective primary care by licensing and regulating naturopathic doctors through vigorous enforcement of the Naturopathic Doctors Act. As of June 2021, the Committee has been able to complete 54.2% of its delineated goals. The Committee continues its dedicated efforts to meet and exceed the goals outlined in its current Strategic Plan.

NEW LEGISLATION

There was no enacted legislation solely related to the Committee in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
NATUROPATHIC DOCTORS APPLICATION (1020)	\$400	\$500
NATUROPATHIC DOCTORS INITIAL LICENSE FEE (1021)	\$1,000	\$1,200
NATUROPATHIC DOCTORS LICENSE RENEWAL FEE	\$1,000	\$1,200
NATUROPATHIC DOCTORS LATE RENEWAL FEE	\$225	\$225
NATUROPATHIC DOCTORS DUPLICATE/REPLACEMENT LICENSE FEE	\$38	\$38
NATUROPATHIC DOCTORS CERTIFIED LICENSE VERIFICATION FEE	\$30	\$30

*Additional fees may be required. Refer to BPC sections 3680–3681 and California Code of Regulations section 4240 for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
NATUROPATHIC DOCTOR	117	96	396
TOTAL	117	96	396

Licensing Population by Type			
TYPE	CERTIFICATES/PERMITS	LICENSES/REGISTRATIONS	APPROVALS
NATUROPATHIC DOCTOR	N/A	1,268	N/A
TOTAL	N/A	1,268	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
GENERAL CE	BIENNIAL	40
PHARMACOTHERAPEUTICS	BIENNIAL	20

Exams Results*			
EXAM TITLE	PASS	FAIL	TOTAL
NATUROPATHIC PHYSICIANS LICENSING EXAMINATION (NPLEX)	51 (74%)	18 (26%)	69

*The Naturopathic Physicians Licensing Examination (NPLEX) is administered by North American Board of Naturopathic Examiners (NABNE). Pass/fail scores are based on both first time and retest takers.

Summary of Enforcement Activity

Consumer Complaints—Intake	
49	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
46	REFERRED FOR INVESTIGATION
4	PENDING

Conviction/Arrest Notification Complaints	
0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
46	OPENED
22	CLOSED
77	PENDING

NATUROPATHIC MEDICINE COMMITTEE

Number of Days to Complete Intake and Investigations

22	UP TO 90 DAYS
0	91 TO 180 DAYS
0	181 DAYS TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
7	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

0	ISSUED
0	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
0	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$0	ASSESSED
\$0	REDUCED
\$0	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

0	CASES OPENED/INITIATED
0	CASES CLOSED
0	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
0	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
0	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
0	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
0	REVOCATION
0	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
0	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$0	ORDERED
\$0	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

23	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

4	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

0	AVERAGE NUMBER OF DAYS
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Licenses and regulates occupational therapists and occupational therapy assistants.

www.bot.ca.gov

STAFF:

16.7 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

18,854

BOARD MEMBERSHIP:

3 public representatives
4 licensees

BOARD STAFF:

Executive Officer: Heather Martin
heather.martin@dca.ca.gov

Assistant Executive Officer: Jeff Hanson
jeff.hanson@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Codes §§ 2570–2571

California Code of Regulations, Division 39,
title 16, §§ 4100–4187

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

Consumer Protection and Operational Efficiency

Despite the COVID-19 pandemic and the ensuing operational challenges, the Board increased performance metrics in several licensing and enforcement areas. In fiscal year 2020–21, the Board's licensing unit received more applications (6% increase) and issued more licenses (2% increase) compared to the previous fiscal year. Application approval letters for complete applications or deficiency letters for incomplete applications were mailed to all applicants within 30 days of submission of their application.

The Board's enforcement unit opened 42% more investigations and closed 45% more investigations compared to the previous fiscal year. The number of pending investigations as of June 30, 2021, was reduced by 8% from June 30, 2020. While reducing the number of pending complaints at year-end, the Board also reduced the average number of days to complete the intake and investigation of complaints from 158 days in 2019–20 to 112 days in 2020–21.

COVID-19 Waivers

Based on staff and stakeholder input, the Board requested and was granted a waiver to extend the expiration date of limited permits. This action was necessary as occupational therapy graduates did not have access to or were delayed in taking the national examination required for licensure. The waiver allowed students to practice under the supervision of a licensed occupational therapist for up to six months while waiting to take the examination. This action afforded consumers increased access to occupational therapy services during the COVID-19 pandemic. Other issued waivers extended the time for licensees to complete the continuing education required for renewal of their license and extended the length of time for applicants approved for licensure to submit their initial licensing fees.

Formation of Ad-Hoc Committees

The Board established two ad-hoc committees and completed the appointments process. The Fieldwork Communications Workgroup Committee will be identifying issues, problems, and factors relating to the lack of fieldwork settings for students to complete their clinical experience (aka fieldwork) required for graduation. The Occupational Therapy Doctorate Committee will address issues relating to the doctoral programs as they relate to licensure, noting the differences between entry-level and post-professional

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

programs. The committee will also determine whether amendments to existing laws and regulations or additional statutory language is needed.

Outreach

The Board's president and executive officer provided an online presentation to attendees at the annual Occupational Therapy Association of California conference in October 2020. The presentation included pertinent information about the Board and its purpose, updates to licensing laws and regulations, and how the Board protects consumers.

The Board's executive officer and a Board member continued their work with a national group of regulators, attorneys, and educators tasked with developing an Occupational Therapy Licensure Compact to facilitate the interstate practice of occupational therapy. As this compact is of national interest, this is a recurring Board agenda item in order to discuss requirements and monitor its progress.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
OT/OTA APPLICATION FEE	\$50	\$50
OT/OTA FINGERPRINT PROCESSING FEE	\$49	N/A
OT/OTA LIMITED PERMIT FEE	\$100	N/A
OT INITIAL LICENSE FEE (PRORATED)	\$270	N/A
OTA INITIAL LICENSE FEE (PRORATED)	\$210	N/A
OT BIENNIAL RENEWAL FEE	\$270	\$150/YEAR
OTA BIENNIAL RENEWAL FEE	\$210	\$150/YEAR
OT DELINQUENT RENEWAL FEE	\$135	50% RENEWAL FEE
OTA DELINQUENT RENEWAL FEE	\$105	50% RENEWAL FEE
OT/OTA RETIRE LICENSE FEE	\$25	\$25

*Additional fees may be required. Refer to the laws and regulations for details.

Note: As of January 1, 2021, the OT biennial renewal fee increased from \$220 to \$270 and the OTA biennial renewal fee increased from \$180 to \$210.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
OCCUPATIONAL THERAPIST (OT)	1,550	1,203	7,034
OCCUPATIONAL THERAPIST LIMITED PERMIT (OTLP)	130	61	N/A
OCCUPATIONAL THERAPY ASSISTANT (OTA)	427	366	1,711
OCCUPATIONAL THERAPY ASSISTANT LIMITED PERMIT (OTALP)	18	8	N/A
TOTAL	2,125	1,638	8,745

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
OCCUPATIONAL THERAPIST (OT)	N/A	15,119	N/A
OCCUPATIONAL THERAPIST LIMITED PERMIT (OTLP)	20	N/A	N/A
OCCUPATIONAL THERAPY ASSISTANT (OTA)	N/A	3,711	N/A
OCCUPATIONAL THERAPY ASSISTANT LIMITED PERMIT (OTALP)	4	N/A	N/A
TOTAL	24	18,830	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
OCCUPATIONAL THERAPIST	EVERY 2 YEARS	24
OCCUPATIONAL THERAPY ASSISTANT	EVERY 2 YEARS	24

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
NBCOT OTR*	957	160	1,117
NBCOT COTA**	293	112	405

*National Board For Certification In Occupational Therapy Occupational Therapist Registered.

**National Board For Certification In Occupational Therapy Certified Occupational Therapy Assistant.

Summary of Enforcement Activity

Consumer Complaints—Intake	
895	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
894	REFERRED FOR INVESTIGATION
1	PENDING

Conviction/Arrest Notification Complaints	
114	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
114	REFERRED FOR INVESTIGATION
0	PENDING

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Inspections

N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations

1,008	OPENED
1,009	CLOSED
319	PENDING

Number of Days to Complete Intake and Investigations

773	UP TO 90 DAYS
68	91 TO 180 DAYS
54	181 DAYS TO 1 YEAR
100	1 TO 2 YEARS
12	2 TO 3 YEARS
2	OVER 3 YEARS
112	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

226	ISSUED
226	ISSUED WITH A FINE
4	WITHDRAWN
18	DISMISSED
167	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$43,406	ASSESSED
\$2,315	REDUCED
\$19,346	COLLECTED

Criminal/Civil Actions

1	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

17	CASES OPENED/INITIATED
15	CASES CLOSED
18	CASES PENDING

Number of Days to Complete Attorney General Cases

5	UP TO 1 YEAR
3	1 TO 2 YEARS
4	2 TO 3 YEARS
3	OVER 3 YEARS
724	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
17	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
3	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
5	REVOCATION
6	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
5	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
16	TOTAL

Petition for Modification or Termination of Probation

1	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$26,253.75	ORDERED
\$11,252	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

112	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

322	AVERAGE NUMBER OF DAYS
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Licenses, registers, and regulates optometrists, registered dispensing opticians, contact lens dispensers, spectacle lens dispensers, and nonresident contact lens dispensers.

www.optometry.ca.gov

STAFF:

14.4 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

41,931

BOARD MEMBERSHIP:

5 public representatives
6 licensees

BOARD STAFF:

Executive Officer: Shara Murphy
shara.murphy@dca.ca.gov

Assistant Executive Officer: Randy Love
randy.love@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2540–2545;
§§ 2546–2546.10; §§ 2550–2569; §§ 3000–3167

California Code of Regulations, Division 15,
title 16, §§ 1500–1582

California Code of Regulations, Division 13.5,
title 16, §§ 1399.200–1399.285

SUNSET REVIEW:

Last review: 2021 Next review: 2025

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

Strategic Plan

With extensive input from stakeholders, the Board adopted a 2021–2025 Strategic Plan at the November 20, 2020 public meeting. Implementation of the plan will include better consumer protection through continuing education; high-level risk management to prevent barriers to licensure; and thorough evaluation of diversity, equity, and inclusion in optometry patient care.

Licensing

Working with the Department of Consumer Affairs Office of Information Services to improve BreEze functionality, Board staff employed automated responses to applicants and simplified language that previously delayed processing and required staff intervention. Additionally, Board staff strengthened internal procedures and tracking databases to respond to applications in a timelier fashion. The Board's website now includes extensive frequently asked questions for optometry and opticianry applicants.

Legislation and Regulations

Led by the optician professionals of the statutorily-mandated Dispensing Optician Committee, the Board completed a comprehensive review and revision of the Optician Program Statutes (Division 2, Chapters 5.4, 5.45, 5.5) and approved proposed text on May 21, 2021, which was submitted to the Legislature and was included in Assembly Bill (AB) 1534 (Committee on Business and Professions, Chapter 630, Statutes of 2021). Substantial public and stakeholder comments were received and considered as part of the review. These changes will improve public protection, clarify and enhance registrant reporting requirements, update definitions and terminology, and reorganize the statutes.

On February 25, 2021, the Office of Administrative Law (OAL) approved the Board's regulatory rulemaking package implementing AB 2138 (Chiu, Chapter 995, Statutes of 2018). This major regulatory package regarding applicants with prior criminal convictions required significant coordination with the Department of Consumer Affairs since 2019.

NEW LEGISLATION

AB 407 (Salas, Chapter 652, Statutes of 2021) expands the scope of practice for optometrists and optometric or ophthalmic assistants (assistants). It allows optometrists to perform more services for their patients, including the use of all topical and oral pharmaceutical agents, which are not controlled substances, and the use of noninvasive devices. It also allows assistants, under direct supervision of a licensed optometrist or ophthalmologist, to perform more services for patients if the assistant has at least 45 hours of training in the procedures that is acceptable to the licensed optometrist or ophthalmologist.

AB 691 (Chau, Chapter 654, Statutes of 2021) allows optometrists certified to use therapeutic pharmaceutical agents with additional immunization training to administer immunizations for COVID-19. This bill also specifies the application form to be used by the California State Board of Optometry for those seeking to be certified to administer vaccinations and sets the application fee at \$50. The bill had an urgency clause so it took effect immediately upon signature by the governor.

AB 1534 (Committee on Business and Professions, Chapter 630, Statutes of 2021) extends the sunset date of the Board from January 1, 2022 to January 1, 2026. Other notable provisions include: (1) revises and recasts the Nonresident Contact Lens Seller Registration Act; (2) creates new requirements for mobile optometric clinics, and (3) allows the Board to charge a fee for license endorsement.

SB 509 (Wilk, Chapter 219, Statutes of 2021) requires the Board to issue temporary optometrist licenses to applicants who have completed their educational programs but are unable to immediately take the licensing exam due to the COVID-19 pandemic. Applicants for temporary licensure must meet additional requirements and may work only under the direct supervision of a fully licensed optometrist or licensed physician practicing ophthalmology.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
OPTOMETRY LICENSE		
OPTOMETRIST LICENSE APPLICATION FEE	\$275	\$275
OPTOMETRIST BIENNIAL RENEWAL FEE	\$425	\$500
OPTOMETRIST DELINQUENT RENEWAL FEE	\$50	\$50
OPTOMETRIST DUPLICATE WALL CERTIFICATE FEE	\$25	\$25
FICTITIOUS NAME PERMIT (FNP)		
FNP APPLICATION FEE	\$50	\$50
FNP RENEWAL FEE	\$50	\$50
FNP DELINQUENT RENEWAL	\$25	\$25
STATEMENT OF LICENSURE (SOL)		
SOL APPLICATION FEE	\$40	\$40
SOL RENEWAL	\$40	\$40
SOL DELINQUENT RENEWAL	\$20	\$20
OTHER FEES		
THERAPEUTIC PHARMACEUTICAL AGENTS (TPA) CERTIFICATION	\$25	\$25
GLAUCOMA CERTIFICATION	\$35	\$50
LACRIMAL IRRIGATION AND DILATION CERTIFICATION	\$25	\$50
CONTINUING EDUCATION COURSE APPROVAL FEE	\$50	\$100
RETIRED LICENSE APPLICATION FEE	\$25	\$25
RETIRED/VOLUNTEER APPLICATION FEE	\$50	\$50
HOME RESIDENCE PERMIT APPLICATION FEE	\$50	\$100
HOME RESIDENCE PERMIT RENEWAL FEE	\$50	\$100
HOME RESIDENCE PERMIT DELINQUENT FEE	\$25	\$100
REGISTERED DISPENSING OPTICIAN (RDO) REGISTRATION		
RDO APPLICATION FEE	\$150	\$200
RDO INITIAL REGISTRATION FEE	\$200	\$300
RDO BIENNIAL RENEWAL	\$200	\$300
RDO DELINQUENT RENEWAL	\$50	\$75
RDO DUPLICATE REPLACEMENT CERTIFICATION	\$25	\$25
SPECTACLE LENS DISPENSER (SLD) REGISTRATION		
SLD APPLICATION FEE	\$150	\$200
SLD INITIAL REGISTRATION FEE	\$200	\$300
SLD BIENNIAL RENEWAL	\$200	\$300
SLD DELINQUENT RENEWAL	\$50	\$75
SLD DUPLICATE REPLACEMENT CERTIFICATION	\$25	\$25
CONTACT LENS DISPENSER (CLD) REGISTRATION		
CLD APPLICATION FEE	\$150	\$200
CLD INITIAL REGISTRATION FEE	\$200	\$300

CALIFORNIA STATE BOARD OF OPTOMETRY

License Type	Actual Fee	Statutory Limit
CLD BIENNIAL RENEWAL	\$200	\$300
CLD DELINQUENT RENEWAL	\$50	\$75
CLD DUPLICATE REPLACEMENT CERTIFICATION	\$25	\$25
NON-RESIDENT CONTACT LENS SELLER (NCLS) REGISTRATION		
NCLS APPLICATION FEE	\$150	\$200
NCLS INITIAL REGISTRATION FEE	\$150	\$200
NCLS BIENNIAL RENEWAL	\$200	\$300
NCLS DELINQUENT RENEWAL	\$50	\$75

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
FICTITIOUS NAME PERMIT (CBO)	125	89	1,427
NONRESIDENT CONTACT LENS SELLER	1	0	7
OPTOMETRIST	358	256	3,839
REGISTERED CONTACT LENS DISPENSER	66	63	556
REGISTERED DISPENSING OPTICIAN	65	10	547
REGISTERED SPECTACLE LENS DISPENSER	342	234	1,190
STATEMENT OF LICENSURE	375	338	509
TOTAL	1,332	990	8,075

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
FICTITIOUS NAME PERMIT (CBO)	1,463	N/A	N/A
NONRESIDENT CONTACT LENS SELLER	N/A	15	N/A
OPTOMETRIST	N/A	7,536	N/A
REGISTERED CONTACT LENS DISPENSER	N/A	1,142	N/A
REGISTERED DISPENSING OPTICIAN	N/A	1,103	N/A
REGISTERED SPECTACLE LENS DISPENSER	N/A	2,870	N/A
STATEMENT OF LICENSURE	1,399	N/A	N/A
TOTAL	2,862	12,666	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
OPTOMETRIST	EVERY 2 YEARS	40–50
STATEMENT OF LICENSURE	EVERY 2 YEARS	N/A
FICTITIOUS NAME PERMIT	EVERY YEAR	N/A
REGISTERED DISPENSING OPTICIAN	EVERY 2 YEARS	N/A
REGISTERED CONTACT LENS DISPENSER	EVERY 2 YEARS	N/A
REGISTERED SPECTACLE LENS DISPENSER	EVERY 2 YEARS	N/A
NONRESIDENT CONTACT LENS SELLER	EVERY 2 YEARS	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
*CLRE–JULY 2020–JUNE 2021	90%	10%	393
**NBEO–OCTOBER 2019–SEPTEMBER 2020	91%	9%	236
***ABO–JULY 2020–JUNE 2021	50%	50%	489
****NCLE–JULY 2020–JUNE 2021	44%	56%	173

*California Laws and Regulations Exam

**National Board of Examiners in Optometry

*** American Board of Opticianry

**** National Contact Lens Examiners

Summary of Enforcement Activity

Consumer Complaints—Intake	
244	RECEIVED
4	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
239	REFERRED FOR INVESTIGATION
1	PENDING

Conviction/Arrest Notification Complaints	
51	RECEIVED
1	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
51	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
290	OPENED
239	CLOSED
298	PENDING

Number of Days to Complete Intake and Investigations

142	UP TO 90 DAYS
14	91 TO 180 DAYS
28	181 DAYS TO 1 YEAR
30	1 TO 2 YEARS
14	2 TO 3 YEARS
11	OVER 3 YEARS
172	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

1	ISSUED
1	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
1,078	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$1,000	ASSESSED
\$0	REDUCED
\$0	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

9	CASES OPENED/INITIATED
8	CASES CLOSED
30	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
3	1 TO 2 YEARS
2	2 TO 3 YEARS
3	OVER 3 YEARS
1,049	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

2	STATEMENTS OF ISSUES FILED
1	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
2	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

1	LICENSE APPLICATIONS DENIED
3	REVOCATION
2	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
1	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
8	TOTAL

Petition for Modification or Termination of Probation

4	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$4,481.25	ORDERED
\$20,488.47	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

169	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

667	AVERAGE NUMBER OF DAYS
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Licenses and regulates osteopathic physicians and surgeons.

www.ombc.ca.gov

STAFF:

12.5 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

14,314

BOARD MEMBERSHIP:

4 public representatives
5 licensees

BOARD STAFF:

Executive Director: Mark Ito
mark.ito@dca.ca.gov

Assistant Executive Director: Terri Thorfinnson
terri.thorfinnson@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code § 3600, Osteopathic Act; Business and Professions Code §§ 2400–2459.7

California Code of Regulations, Division 16, title 16, §§ 1600–1697

SUNSET REVIEW:

Last review: 2021 Next review: 2025

Board Highlights

RECIPROCITY

Per Business and Professions Code section 2153.5, the Board accepts licensees from any state that requires passage of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) levels 1, 2, and 3 as its written examination for licensure. Any other state written examination may be considered for approval and acceptance by the Board on a case-by-case basis.

ACCOMPLISHMENTS

Website Update

The Board collaborated with the Department of Consumer Affairs Office of Publications, Design and Editing to update its website. The new website will include increased functionality and be more user-friendly. The Board's vision is for the updated website to increase consumer satisfaction and decrease phone inquiries. In addition, the updated website will reduce barriers for licensure by providing valuable resources for its applicants.

Sunset Review

The Board submitted its *Sunset Review Report* to the Assembly Committee on Business and Professions, and the Senate Committee on Business, Professions and Economic Development (Joint Committee) in January 2021. On April 9, 2021, the Joint Committee convened a sunset review hearing for the Board. The Board was represented by President Cyrus Buhari, D.O., and Executive Director Mark Ito. The Board appreciates the opportunity to work with the Legislature to review the Board's activities to ensure the Board meets its mandate of protecting the public.

Enhancements

The Board approved Guidelines for the Recommendation of Cannabis for Medical Purposes at the May 13, 2021 Board meeting. The purpose of the guidelines is to ensure that physicians who are licensed by the Board and who choose to recommend cannabis for medical purposes to their patients will not be subject to investigation or disciplinary action if they arrive at the decision to make this recommendation in accordance with accepted standards of medical responsibility.

The Board focused efforts to update the BreEZe system to facilitate the daily operations in a telework environment. To accomplish this, the Board worked collaboratively with DCA to increase the functionality of BreEZe so staff have access to their workload whether working remotely or in the office.

The Board approved regulatory language to implement a post-renewal audit for continuing medical education. This will streamline the renewal process by creating workload efficiencies that will potentially create budget savings. The Board is promulgating regulations and anticipates implementing the post-renewal audit in early 2022.

COVID-19 Response

The COVID-19 pandemic created an unprecedented situation for the Board. Board management set up a telework schedule for staff ensuring operational needs are met. DCA's director issued several waivers to ensure operational needs were met and protection of the public was paramount.

NEW LEGISLATION

AB 356 (Chen, Chapter 459, Statutes of 2021)

authorizes the Department of Public Health to issue a nonrenewable, temporary 12-month fluoroscopy permit to a licensed physician and surgeon who has submitted an application for a fluoroscopy certificate, has at least 40 hours of fluoroscopy experience while not subject to the Radiologic Technology Act, and pays a fee.

AB 359 (Cooper, Chapter 612, Statutes of 2021)

broadens the scope of continuing education courses to allow for more topics relating to practice management.

SB 806 (Roth, Chapter 649, Statutes of 2021) is the sunset bill for the Board that extends its operations until January 1, 2026. This bill reduces the required amount of continuing medical education for osteopathic doctors to 50 hours every two years. It also makes changes to the postgraduate training license.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

Fees*

License Type	Actual Fee	Statutory Limit
PHYSICIAN AND SURGEON APPLICATION FEE	\$200	\$400
PHYSICIAN AND SURGEON INITIAL LICENSING FEE*	\$400	\$400
PHYSICIAN AND SURGEON BIENNIAL ACTIVE LICENSE RENEWAL	\$400	\$400
PHYSICIAN AND SURGEON BIENNIAL INACTIVE LICENSE RENEWAL	\$300	\$300
PHYSICIAN AND SURGEON BIENNIAL ACTIVE DELINQUENT FEE	\$100	\$100
PHYSICIAN AND SURGEON BIENNIAL INACTIVE DELINQUENT FEE	\$75	\$75
POSTGRADUATE TRAINING LICENSE	\$491	N/A
FICTITIOUS NAME PERMIT APP FEE	\$100	\$100
FICTITIOUS NAME PERMIT RENEWAL FEE	\$50	\$50
ENDORSEMENT	\$25	\$25
DUPLICATE CERTIFICATE	\$25	\$25
CURES FEE**	(DUE TO OTHER FUND) \$22	\$22
STEPHEN THOMPSON PHYSICIANS CORP LOAN REPAYMENT PROGRAM ***	(DUE TO OTHER FUND) \$25	\$25

* Initial fee is prorated.

** \$11/year collected with biennial renewal, Business and Professions Code section 208(a).

*** Collected at renewal per Business and Professions Code section 2436.5 and initial licensure per Business and Professions Code section 2455.1.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
FICTITIOUS NAME PERMIT (OMBC)	140	97	700
OSTEOPATHIC PHYSICIAN AND SURGEON (OMBC)	696	575	5,683
POSTGRADUATE TRAINING LICENSE (OMBC)	582	624	0
TOTAL	1,418	1,296	6,383

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
FICTITIOUS NAME PERMIT (OMBC)	1,102	N/A	N/A
OSTEOPATHIC PHYSICIAN AND SURGEON (OMBC)	N/A	12,356	N/A
POSTGRADUATE TRAINING LICENSE (OMBC)	N/A	856	N/A
TOTAL	1,102	13,212	N/A

Renewal and Continuing Education (CE)*		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
OSTEOPATHIC PHYSICIAN AND SURGEON	EVERY 2 YEARS	100 HOURS

*40 hours must be American Osteopathic Association category 1A or 1B.

Exams Results*			
EXAM TITLE	PASS	FAIL	TOTAL
COMPLEX LEVELS 1, 2, AND 3	N/A	N/A	N/A

*OMBC does not track number of passes or failures.

Summary of Enforcement Activity

Consumer Complaints—Intake	
562	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
636	REFERRED FOR INVESTIGATION
88	PENDING

Conviction/Arrest Notification Complaints	
34	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
34	REFERRED FOR INVESTIGATION
1	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
670	OPENED
563	CLOSED
292	PENDING

Number of Days to Complete Intake and Investigations	
255	UP TO 90 DAYS
122	91 TO 180 DAYS
121	181 DAYS TO 1 YEAR
43	1 TO 2 YEARS
20	2 TO 3 YEARS
2	OVER 3 YEARS
170	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
3	ISSUED
2	ISSUED WITH A FINE
0	WITHDRAWN
1	DISMISSED
203	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Total Amount of Fines

\$2,000	ASSESSED
\$0	REDUCED
\$1,000	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

19	CASES OPENED/INITIATED
13	CASES CLOSED
26	CASES PENDING

Number of Days to Complete Attorney General Cases

1	UP TO 1 YEAR
2	1 TO 2 YEARS
1	2 TO 3 YEARS
9	OVER 3 YEARS
1,092	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
9	ACCUSATIONS FILED
3	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
4	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
1	REVOCATION
1	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
9	PROBATION ONLY
1	PUBLIC REPRIMAND
0	OTHER DECISIONS
13	TOTAL

Petition for Modification or Termination of Probation

1	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$122,812	ORDERED
\$120,645.85	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

46	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

170	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

390	AVERAGE NUMBER OF DAYS
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CALIFORNIA STATE BOARD OF PHARMACY

Licenses and regulates pharmacies, pharmacists, pharmacist interns, pharmacy technicians, and drug wholesalers.

www.pharmacy.ca.gov

STAFF:

134.3 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

140,424

BOARD MEMBERSHIP:

6 public representatives
7 licensees

BOARD STAFF:

Executive Officer: Anne Sodergren
anne.sodergren@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code 4000 et seq.

California Code of Regulations, title 16,
§ 1700 et seq.

SUNSET REVIEW:

Last review: 2020 Next review: 2025

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

COVID-19 Response

The Board performed a critical role in meeting the health care needs of Californians during the COVID-19 pandemic. The Board approved emergency waivers to pharmacy law to help pharmacists and pharmacies function effectively to protect public health or provide patient care.

In addition, the Board collaborated with the Department of Consumer Affairs (DCA) on a waiver allowing pharmacists and pharmacy technicians to collect specimens plus administer and interpret results for authorized COVID-19 tests. This waiver expanded the availability of COVID-19 testing to help ensure timely and accurate reporting of test results. The Board also collaborated with DCA on a waiver allowing pharmacists to independently initiate and administer COVID-19 vaccinations authorized by the U.S. Food and Drug Administration (FDA). This waiver expanded the role of pharmacists on the front lines of the pandemic and greatly expanded public access to COVID-19 vaccinations. Another collaboration with DCA resulted in separate waivers allowing pharmacy technicians and intern pharmacists to administer COVID-19 vaccinations under the supervision of a pharmacist. In addition, the Board approved the use of mobile pharmacies to facilitate vaccine administration and COVID-19 testing.

Outreach

The Board issued 196 email alerts regarding drug recalls, withdrawals, and other warnings from drug manufacturers, licensed sterile compounding pharmacies, and the FDA to pharmacies and consumers. These emails protect public health by instantly notifying licensees and consumers with important information about prescription medications and products.

The Board responded to emergencies declared by Governor Gavin Newsom related to wildfires and winter storms throughout California by reaching out to help pharmacists continue providing care in impacted communities. The Board emailed alerts advising pharmacists of California laws related to furnishing prescription drugs during an emergency, providing emergency refills without prescriber authorization, and operating a mobile pharmacy in a declared emergency area. This information enabled pharmacists to furnish essential prescription medications to unexpectedly displaced patients.

The Board created and posted an online consumer tip sheet on how to prepare for an emergency evacuation.

The information includes how to prepare a “patient care kit” with essential prescription medications before an evacuation and links to resources for finding an open pharmacy during an evacuation. The tip sheet provides a checklist to help consumers prepare in advance of a natural disaster or other emergency that could force them out of their homes for an extended period.

The Board developed a sample collaborative practice agreement for pharmacists to provide medication-assisted treatment (MAT) to patients with opioid use disorder in collaboration with a medical care provider. The sample agreement followed a policy statement adopted by the Board in 2019 to encourage greater access to MAT by supporting pharmacists providing direct care and assisting medical providers in caring for patients with opioid addiction.

Collaboration on Controlled Substance Education

The Board collaborated with DCA and the Medical Board of California to educate licensees about two laws effective January 1, 2021 affecting pharmacists and other health care professionals who prescribe or furnish controlled substances. The Board published extensive guidance and FAQ regarding Assembly Bill (AB) 149 (Cooper, Chapter 4, Statutes of 2019), which established requirements for new security forms for controlled substance prescriptions. The Board also published FAQs on AB 528 (Low, Chapter 677, Statutes of 2019), which requires dispensing of controlled substances to be reported to the state’s prescription drug monitoring database (known as CURES) within one working day after the medication is released to the patient and also requires the dispensing of Schedule V controlled substances to be reported.

Website Updates

The Board created an online registry for consumers to search local pharmacies offering eight specific health services pharmacists are authorized by California law to provide without a prescription: self-administered hormonal contraception, emergency contraception, vaccinations, travel medications, nicotine replacement therapy, naloxone, HIV (human immunodeficiency virus) preexposure prophylaxis, and HIV postexposure prophylaxis. Pharmacies and pharmacists may choose to be listed in the registry. The program increases public access to these important health care services.

The Board implemented an online process for renewing pharmacy licenses. The new process eases the application and payment process by enabling licensees to renew these licenses electronically by credit card in addition to renewing by mail.

Sunset Review Hearing

The Board’s president and executive officer testified during a sunset review hearing before a joint legislative oversight committee on November 18, 2020. In addition, the Board submitted a Supplemental Sunset Review Report following a

delay of the review hearing due to the COVID-19 public health emergency. The two-volume supplemental report highlighted the Board’s activities and achievements during the additional time frame as well as the Board’s significant efforts to assist in California’s response to the COVID-19 pandemic.

Important Meetings

The Board’s Enforcement and Compounding Committee convened an informational meeting for stakeholders on the practice of “white bagging,” e.g., the distribution of patient-specific medication from a pharmacy, typically a specialty pharmacy, to the physician’s office, hospital, or clinic for administration. The forum drew presentations and comments from a variety of health plan representatives, health system representatives, prescribers, and pharmacists.

Enhancements

The Board conducted an online survey of the pharmacy workforce to help determine if working conditions in California community pharmacies may be a contributing factor in medication errors. The survey will assist the Board in evaluating possible actions to help reduce medication errors in pharmacies and increase public health and safety.

The Board launched efforts to educate pharmacists regarding Business and Professions Code section 688, a comprehensive law regarding electronic data transmission prescriptions.

The Board utilized Webex during the COVID-19 pandemic to provide full-day training events for California pharmacists on preventing prescription drug abuse and drug diversion.

NEW LEGISLATION

AB 1064 (Fong, Chapter 655, Statutes of 2021) allows pharmacists to independently initiate and administer any vaccine approved by the FDA, recommended by the federal Advisory Committee on Immunization Practices (ACIP) and published by the federal Centers for Disease Control and Prevention for persons 3 years of age or older.

AB 1533 (Assembly Committee on Business and Professions, Chapter 629, Statutes of 2021), among other things, extends the operations of the Board until January 1, 2026, and grants the Board the authority to continue to oversee and regulate the pharmacy industry within California. This bill expands existing conditions for an advanced practice pharmacist to initiate, adjust or discontinue drug therapy, and amends pharmacists’ scope of practice to include initiating, adjusting, or discontinuing drug therapy under a collaborative practice agreement as well as authority to provide nonopioid medication-assisted treatment pursuant to a state protocol. This bill also grants the Board the authority to deny an application for licensure if the conviction or other underlying conduct would be grounds for denial of a federal registration to distribute controlled substances, and requires a continuing education course to be completed on the risks of addiction

CALIFORNIA STATE BOARD OF PHARMACY

associated with the use of Schedule II drugs for pharmacists who provide such substances. This bill further requires one professional member of the Board to be a representative of a compounding pharmacy specializing in human drug preparations. Additionally, this bill expressly authorizes the Board to meet via teleconference.

SB 310 (Rubio, Chapter 541, Statutes of 2021) establishes, until January 1, 2027, the Cancer Medication Recycling Act and requires a surplus medication collection and distribution intermediary to establish and administer a program allowing cancer patients to donate certain unused cancer medications to patients in need. The intermediary will be required to create a registry of up to 50 qualified physicians who may participate in the program, each of whom will be allowed to accept certain unopened cancer medications from patients and redistribute the medication to other patients.

SB 362 (Newman, Chapter 334, Statutes of 2021) prohibits a chain community pharmacy from establishing a quota to measure or evaluate the performance of a pharmacist's or pharmacy technician's duties. This bill also prohibits a chain community pharmacy from communicating the existence of quotas to employees or to those it contracts with and authorizes the Board to take enforcement action against a chain community pharmacy that establishes a quota.

SB 409 (Caballero, Chapter 604, Statutes of 2021) expands the types of clinical laboratory tests that a licensed pharmacist may perform to include clinical laboratory tests that are classified as waived under Clinical Laboratory Improvement Amendments (CLIA) and that are either approved by the Board in conjunction with the Medical Board of California, or used to detect or screen for specified illnesses, conditions, or diseases. Additionally, this bill includes a pharmacist-in-charge in the definition of "laboratory director," which will permit pharmacies to operate as clinical laboratories for the limited purposes of performing CLIA-waived tests specified in the bill, and requires the pharmacists performing these tests to meet specified training requirements.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING*	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)**	Y
EXAMINATION*	Y
CONTINUING EDUCATION/COMPETENCY***	Y
FINGERPRINT REQUIREMENTS**	Y

*Required for RPH.

**Required for RPH, APH, TCH, EXC, EXV, DRL, DRR, DPM.

***Required for RPH and APH license types.

Fees*

License Type	Actual Fee	Statutory Limit
DESIGNATED REPRESENTATIVES (EXC) APPLICATION FEE	\$210	\$210
DESIGNATED REPRESENTATIVES (EXC) LICENSE RENEWAL FEE	\$300	\$300
DESIGNATED REPRESENTATIVES VET (EXV) APPLICATION FEE	\$210	\$210
DESIGNATED REPRESENTATIVES VET (EXV) LICENSE RENEWAL FEE	\$300	\$300
DESIGNATED REPRESENTATIVES–3PL (DRL) APPLICATION FEE	\$210	\$210
DESIGNATED REPRESENTATIVES–3PL (DRL) LICENSE RENEWAL FEE	\$300	\$300
DESIGNATED REPRESENTATIVES–REVERSE DISTRIBUTOR (DRR) APPLICATION FEE	\$210	\$210
DESIGNATED REPRESENTATIVES–REVERSE DISTRIBUTOR (DRR) LICENSE RENEWAL FEE	\$300	\$300
DESIGNATED PARAMEDIC (DPM) APPLICATION FEE	\$140	\$140
DESIGNATED PARAMEDIC (DPM) LICENSE RENEWAL FEE	\$140	\$140
PHARMACIST INTERN (INT) APPLICATION FEE	\$230	\$230
PHARMACIST EXAM APPLICATION FEE	\$285	\$285
PHARMACIST (RPH) LICENSE FEE	\$215	\$215
PHARMACIST (RPH) LICENSE RENEWAL FEE	\$505	\$505
ADVANCED PRACTICE PHARMACIST (APH) APPLICATION FEE	\$300	\$300
ADVANCED PRACTICE PHARMACIST (APH) LICENSE RENEWAL FEE	\$300	\$300
PHARMACY TECHNICIAN (TCH) APPLICATION FEE	\$195	\$195
PHARMACY TECHNICIAN (TCH) LICENSE RENEWAL FEE	\$195	\$195
AUTOMATED DRUG DELIVERY SYSTEM (ADD) APPLICATION FEE	\$200	\$250
AUTOMATED DRUG DELIVERY SYSTEM (ADD) LICENSE RENEWAL FEE	\$200	\$250
AUTOMATED DRUG DISPENSING SYSTEM 340B CLINIC (ADC) APPLICATION FEE	\$300	\$500
AUTOMATED DRUG DISPENSING SYSTEM 340B CLINIC (ADC) LICENSE RENEWAL FEE	\$300	\$500
AUTOMATED DRUG DELIVERY SYSTEM EMS (ADE) APPLICATION FEE	\$100	\$100
AUTOMATED DRUG DELIVERY SYSTEM EMS (ADE) LICENSE RENEWAL FEE	\$100	\$100
CENTRALIZED HOSPITAL PACKAGING (CHP/CHE) APPLICATION FEE	\$1,150	\$1,150

License Type	Actual Fee	Statutory Limit
CENTRALIZED HOSPITAL PACKAGING (CHP/CHE) LICENSE RENEWAL FEE	\$1,125	\$1,125
CLINIC (CLN) APPLICATION FEE	\$570	\$570
CLINIC (CLN) LICENSE RENEWAL FEE	\$360	\$360
DRUG ROOM (DRM) APPLICATION FEE	\$570	\$570
DRUG ROOM (DRM) LICENSE RENEWAL FEE	\$930	\$930
HOSPITAL (HSP) APPLICATION FEE	\$570	\$570
HOSPITAL (HSP) LICENSE RENEWAL FEE	\$930	\$930
HOSPITAL SATELLITE STERILE COMPOUNDING (SCP) APPLICATION FEE	\$2,305	\$2,305
HOSPITAL SATELLITE STERILE COMPOUNDING (SCP) LICENSE RENEWAL FEE	\$1,855	\$1,855
HYPODERMIC NEEDLE AND SYRINGES (HYP) APPLICATION FEE	\$240	\$240
HYPODERMIC NEEDLE AND SYRINGES (HYP) LICENSE RENEWAL FEE	\$280	\$280
OUTSOURCING FACILITIES (OSF) APPLICATION FEE	\$3,180	\$3,180
OUTSOURCING FACILITIES (OSF) LICENSE RENEWAL FEE	\$1,855	\$1,855
OUTSOURCING FACILITIES NONRESIDENT (NSF) APPLICATION FEE	\$3,335	\$3,335
OUTSOURCING FACILITIES NONRESIDENT (NSF) LICENSE RENEWAL FEE	\$3,180	\$3,180
PHARMACY (PHY) APPLICATION FEE	\$570	\$570
PHARMACY (PHY) LICENSE RENEWAL FEE	\$930	\$930
PHARMACY NONRESIDENT (NRP) APPLICATION FEE	\$570	\$570
PHARMACY NONRESIDENT (NRP) LICENSE RENEWAL FEE	\$930	\$930
REMOTE DISPENSING PHARMACY (PHR) APPLICATION FEE	\$570	\$570
REMOTE DISPENSING PHARMACY (PHR) LICENSE RENEWAL FEE	\$930	\$930
STERILE COMPOUNDING LICENSE (LSC) APPLICATION FEE	\$2,305	\$2,305
STERILE COMPOUNDING LICENSE (LSC) LICENSE RENEWAL FEE	\$1,855	\$1,855
STERILE COMPOUNDING LICENSE NONRESIDENT (NSC) APPLICATION FEE	\$3,335	\$3,335
STERILE COMPOUNDING LICENSE NONRESIDENT (NSC) LICENSE RENEWAL FEE	\$3,180	\$3,180
THIRD-PARTY LOGISTICS PROVIDER (TPL) APPLICATION FEE	\$820	\$820
THIRD-PARTY LOGISTICS PROVIDER (TPL) LICENSE RENEWAL FEE	\$820	\$820
THIRD-PARTY LOGISTICS PROVIDER NONRESIDENT (NPL) APPLICATION FEE	\$820	\$820

License Type	Actual Fee	Statutory Limit
THIRD-PARTY LOGISTICS PROVIDER NONRESIDENT (NPL) LICENSE RENEWAL FEE	\$820	\$820
VETERINARY FOOD-ANIMAL RETAILER (VET) APPLICATION FEE	\$610	\$610
VETERINARY FOOD-ANIMAL RETAILER (VET) LICENSE RENEWAL FEE	\$460	\$460
WHOLESALE (WLS) APPLICATION FEE	\$820	\$820
WHOLESALE (WLS) LICENSE RENEWAL FEE	\$820	\$820
WHOLESALE NONRESIDENT (OSD) APPLICATION FEE	\$820	\$820
WHOLESALE NONRESIDENT (OSD) LICENSE RENEWAL FEE	\$820	\$820

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ADVANCED PRACTICE PHARMACIST (APH)	167	87	410
CENTRALIZED HOSPITAL PACKAGING (CHP)/GOVERNMENT OWNED (CHE)	1	1	10
CLINIC (CLN)/GOVERNMENT OWNED (CLE)	157	115	2,069
DESIGNATED REPRESENTATIVES (EXC)	436	312	2,363
DESIGNATED REPRESENTATIVES VET (EXV)	5	2	51
DESIGNATED REPRESENTATIVES–3PL (DRL)	108	91	277
DESIGNATED REPRESENTATIVES–PARAMEDIC (DPM)	0	0	1
DESIGNATED REPRESENTATIVES–REVERSE DISTRIBUTOR (DRR)	3	3	1
EMERGENCY MEDICAL SERVICES AUTOMATED DRUG DELIVERY SYSTEM (ADE)	0	0	1
HOSPITAL SATELLITE STERILE COMPOUNDING (SCP)/GOVERNMENT OWNED (SCE)	2	1	5
HYPODERMIC NEEDLE AND SYRINGES (HYP)	13	3	221
INTERN PHARMACIST (INT)	1,652	1,611	N/A
LICENSED CORRECTIONAL FACILITIES (LCF)	0	0	61
OUTSOURCING FACILITIES (OSF)	0	1	3
OUTSOURCING FACILITIES NONRESIDENT (NSF)	7	4	19
PHARMACIST (EXAM)	3,993	N/A	N/A
PHARMACIST (RPH)	1,954	1,964	20,413
PHARMACY (PHY)/GOVERNMENT OWNED (PHE)	388	281	6,197

CALIFORNIA STATE BOARD OF PHARMACY

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PHARMACY NONRESIDENT (NRP)	137	87	491
PHARMACY TECHNICIAN (TCH)	4,796	4,004	29,073
STERILE COMPOUNDING (LSC)/ GOVERNMENT OWNED (LSE)	87	83	797
STERILE COMPOUNDING NONRESIDENT (NSC)	15	5	55
SURPLUS MEDICATION COLLECTION DISTRIBUTION INTERMEDIARY (SME)	0	0	1
THIRD-PARTY LOGISTICS PROVIDER (TPL)	11	6	23
THIRD-PARTY LOGISTICS PROVIDER NONRESIDENT (NPL)	36	21	76
VETERINARY FOOD–ANIMAL RETAILER (VET)	0	0	16
WHOLESALE (WLS)/ GOVERNMENT OWNED (WLE)	65	47	428
WHOLESALE NONRESIDENT (OSD)	109	70	673
REMOTE DISPENSING PHARMACY (PHR)	3	2	1
AUTOMATED DRUG DELIVERY SYSTEM (ADD)*	233	150	790
AUTOMATED DRUG DISPENSING SYSTEM 340B CLINIC (ADC)*	0	0	0
HOSPITAL (HSP)/GOVERNMENT OWNED (HPE)	24	29	433
DRUG ROOM (DRM)/ GOVERNMENT OWNED (DRE)	4	3	27
TOTAL	14,406	8,983	64,986

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ADVANCED PRACTICE PHARMACIST (APH)	N/A	890	N/A
CENTRALIZED HOSPITAL PACKAGING (CHP)/GOVERNMENT OWNED (CHE)	N/A	10	N/A
CLINIC (CLN)/GOVERNMENT OWNED (CLE)	N/A	2,236	N/A
DESIGNATED REPRESENTATIVES (EXC)	N/A	2,844	N/A
DESIGNATED REPRESENTATIVES VET (EXV)	N/A	59	N/A
DESIGNATED REPRESENTATIVES–3PL (DRL)	N/A	392	N/A
DESIGNATED REPRESENTATIVES– PARAMEDIC (DPM)	N/A	3	N/A
DESIGNATED REPRESENTATIVES–REVERSE DISTRIBUTOR (DRR)	N/A	7	N/A

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
EMERGENCY MEDICAL SERVICES AUTOMATED DRUG DELIVERY SYSTEM (ADE)	N/A	1	N/A
HOSPITAL SATELLITE STERILE COMPOUNDING (SCP)/GOVERNMENT OWNED (SCE)	N/A	6	N/A
HYPODERMIC NEEDLE AND SYRINGES (HYP)	N/A	302	N/A
INTERN PHARMACIST (INT)	N/A	5,999	N/A
LICENSED CORRECTIONAL FACILITIES (LCF)	N/A	61	N/A
OUTSOURCING FACILITIES (OSF)	N/A	4	N/A
OUTSOURCING FACILITIES NONRESIDENT (NSF)	N/A	25	N/A
PHARMACIST (EXAM)	N/A	N/A	N/A
PHARMACIST (RPH)	N/A	48,568	N/A
PHARMACY (PHY)/ GOVERNMENT OWNED (PHE)	N/A	6,513	N/A
PHARMACY NONRESIDENT (NRP)	N/A	605	N/A
PHARMACY TECHNICIAN (TCH)	N/A	67,986	N/A
STERILE COMPOUNDING (LSC)/GOVERNMENT OWNED (LSE)	N/A	851	N/A
STERILE COMPOUNDING NONRESIDENT (NSC)	N/A	63	N/A
SURPLUS MEDICATION COLLECTION DISTRIBUTION INTERMEDIARY (SME)	N/A	1	N/A
THIRD-PARTY LOGISTICS PROVIDER (TPL)	N/A	35	N/A
THIRD-PARTY LOGISTICS PROVIDER NONRESIDENT (NPL)	N/A	101	N/A
VETERINARY FOOD– ANIMAL RETAILER (VET)	N/A	20	N/A
WHOLESALE (WLS)/ GOVERNMENT OWNED (WLE)	N/A	560	N/A
WHOLESALE NONRESIDENT (OSD)	N/A	830	N/A
REMOTE DISPENSING PHARMACY (PHR)	N/A	2	N/A
AUTOMATED DRUG DELIVERY SYSTEM (ADD)*	N/A	946	N/A

CALIFORNIA STATE BOARD OF PHARMACY

Licensing Population by Type

TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
AUTOMATED DRUG DISPENSING SYSTEM 340B CLINIC (ADC)*	N/A	0	N/A
HOSPITAL (HSP)/ GOVERNMENT OWNED (HPE)	N/A	472	N/A
DRUG ROOM (DRM)/ GOVERNMENT OWNED (DRE)	N/A	32	N/A
TOTAL	N/A	140,424	N/A

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
DESIGNATED REPRESENTATIVES (EXC)	EVERY YEAR	0
DESIGNATED REPRESENTATIVES VET (EXV)	EVERY YEAR	0
DESIGNATED REPRESENTATIVES–3PL (DRL)	EVERY YEAR	0
DESIGNATED REPRESENTATIVES– PARAMEDIC (DPM)	EVERY 2 YEARS	0
DESIGNATED REPRESENTATIVES–REVERSE DISTRIBUTOR (DRR)	EVERY YEAR	0
INTERN PHARMACIST (INT)	N/A	N/A
PHARMACIST (RPH)	EVERY 2 YEARS	30
ADVANCED PRACTICE PHARMACIST (APH)	EVERY 2 YEARS	10
PHARMACY TECHNICIAN (TCH)	EVERY 2 YEARS	0
CENTRALIZED HOSPITAL PACKAGING (CHP)/ GOVERNMENT OWNED (CHE)	EVERY YEAR	0
CLINIC (CLN)/GOVERNMENT OWNED (CLE)	EVERY YEAR	0
HOSPITAL (HSP)/GOVERNMENT OWNED (HPE) AND DRUG ROOM (DRM)/EXEMPT (DRE)	EVERY YEAR	0
EMERGENCY MEDICAL SERVICES AUTOMATED DRUG DELIVERY SYSTEM	EVERY YEAR	0
HOSPITAL SATELLITE STERILE COMPOUNDING (SCP)/ GOVERNMENT OWNED (SCE)	EVERY YEAR	0
HYPODERMIC NEEDLE AND SYRINGES (HYP)/ GOVERNMENT OWNED (HYE)	EVERY YEAR	0
LICENSED CORRECTIONAL FACILITIES (LCF)	EVERY YEAR	0
OUTSOURCING FACILITIES (OSF)	EVERY YEAR	0

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
OUTSOURCING FACILITIES NONRESIDENT (NSF)	EVERY YEAR	0
PHARMACY (PHY)/ GOVERNMENT OWNED (PHE)	EVERY YEAR	0
PHARMACY NONRESIDENT (NRP)	EVERY YEAR	0
STERILE COMPOUNDING (LSC)/GOVERNMENT OWNED (LSE)	EVERY YEAR	0
STERILE COMPOUNDING NONRESIDENT (NSC)	EVERY YEAR	0
SURPLUS MEDICATION COLLECTION DISTRIBUTION INTERMEDIARY (SME)	EVERY YEAR	0
THIRD-PARTY LOGISTICS PROVIDER (TPL)	EVERY YEAR	0
THIRD-PARTY LOGISTICS PROVIDER NONRESIDENT (NPL)	EVERY YEAR	0
VETERINARY FOOD– ANIMAL RETAILER (VET)	EVERY YEAR	0
WHOLESALE (WLS)/ GOVERNMENT OWNED (WLE)	EVERY YEAR	0
WHOLESALE NONRESIDENT (OSD)	EVERY YEAR	0

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
NAPLEX	1,357	349	1,706
CPJE	1,835	1,458	3,293

Summary of Enforcement Activity

Consumer Complaints—Intake

2,034	RECEIVED
593	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1,457	REFERRED FOR INVESTIGATION
41	PENDING

Conviction/Arrest Notification Complaints

499	RECEIVED
17	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
497	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

2,963	CONDUCTED
N/A	CITATIONS ISSUED

CALIFORNIA STATE BOARD OF PHARMACY

Investigations

1,954	OPENED
1,952	CLOSED
1,619	PENDING

Number of Days to Complete Intake and Investigations

383	UP TO 90 DAYS
427	91 TO 180 DAYS
604	181 DAYS TO 1 YEAR
459	1 TO 2 YEARS
74	2 TO 3 YEARS
5	OVER 3 YEARS
272	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

931	ISSUED
532	ISSUED WITH A FINE
4	WITHDRAWN
3	DISMISSED
428	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$786,100	ASSESSED
\$222,050	REDUCED
\$706,730	COLLECTED

Criminal/Civil Actions

N/A	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

174	CASES OPENED/INITIATED
223	CASES CLOSED
244	CASES PENDING

Number of Days to Complete Attorney General Cases

24	UP TO 1 YEAR
83	1 TO 2 YEARS
68	2 TO 3 YEARS
48	OVER 3 YEARS
875	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

13	STATEMENTS OF ISSUES FILED
169	ACCUSATIONS FILED
14	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
12	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
11	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

4	LICENSE APPLICATIONS DENIED
84	REVOCATION
82	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
92	PROBATION ONLY
80	PUBLIC REPRIMAND
1	OTHER DECISIONS
344	TOTAL

Petition for Modification or Termination of Probation

10	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

2	GRANTED
1	DENIED

Cost Recovery

\$2,475,038	ORDERED
\$1,578,428	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

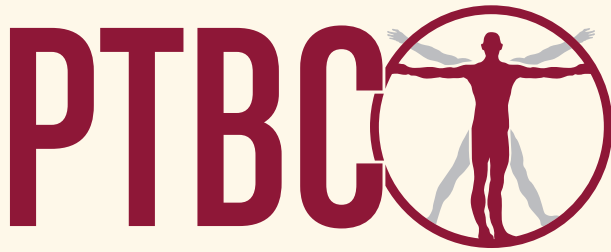
16	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

245	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

584	AVERAGE NUMBER OF DAYS
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Licenses and regulates physical therapists, physical therapist assistants, and the practice of electroneuromyography and kinesiological electromyography performed by physical therapists.

www.ptbc.ca.gov

STAFF:

27.4 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

43,649

BOARD MEMBERSHIP:

3 public representatives
4 licensees

BOARD STAFF:

Executive Officer: Jason Kaiser
jason.kaiser@dca.ca.gov

Assistant Executive Officer: Elsa Ybarra
elsa.ybarra@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2600–2696

California Code of Regulations, Division 13.2,
title 16, §§ 1398–1399.99.4

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code (BPC) section 2636.5, applicants for licensure as a physical therapist or physical therapist assistant who are licensed as such in another state, district, or territory of the United States, approved by the Board, may become licensed without a physical therapy or physical therapist assistant written examination if they meet all the requirements, including those licensing requirements prescribed by the Board. However, these individuals must successfully pass the California Law Examination prior to becoming licensed. Pursuant to BPC section 2639, applicants who are graduates of an approved education program or substantiated as a graduate of an approved education program and who have filed a complete application for licensure with the Board may be awarded “license applicant” status by the Board. A physical therapist or physical therapist assistant applicant shall practice under the direct supervision of a licensed physical therapist as a “license applicant.”

ACCOMPLISHMENTS

Military Applicant Enhancements

In 2019, as part of an effort to increase awareness of Department of Consumer Affairs (DCA) benefits, improve assistance, and establish an ongoing process to maintain consistency across all DCA boards, DCA's Military Licensure Committee set forth best practice recommendations for boards to assist military applicants, licensees, and their families. The Board has implemented all such recommendations for the benefit of military personnel. A staff person with military-related experience has been designated the single point of contact for all military-related application and license maintenance matters. In addition, the Board updated its website to include a page specific to military-related application and license maintenance information and included an email address for military applicants, licensees, and their families to contact the Board directly and receive an immediate response from the designated point of contact. With the help of DCA, the Board implemented a mechanism to easily identify military applications for those applying for initial licensure and license holders to ensure they are prioritized. Finally, the Board participates in the DCA Military Licensure Committee meetings and activities to proactively identify areas of need and how to meet those needs, whether it be enhancing existing services or establishing new ones.

Outreach

The Board increased its social media presence and reached a broader section of the public. This presence included over 513 Instagram followers, 3,654 Facebook followers, 275 LinkedIn followers, and 733 Twitter followers. Overall, the Board's social media followers have increased by 14%.

The Board continues to provide outreach through its newsletter publication "Progress Notes," which covers important information and updates for the public, stakeholders, applicants, and licensees. It is available on the Board website and by hard copy.

The Board held 25 virtual outreach events, resulting in a 35% increase in outreach presentations over last fiscal year. These presentations utilized Webex, Zoom, Microsoft Teams, and other electronic means to communicate with stakeholders and applicants. Outreach events consisted of sharing information on BreZE, the new DCA search function, laws and regulations, continuing education requirements, and the application process. The Board has presented to 30 of the 35 physical therapy (P.T.) and physical therapy assistant (PTA) programs. The Board now visits many of these programs on an annual basis to provide outreach and training to their graduating classes. The Board participated in the California Physical Therapy Association's Student Conclave virtually. The Board also began meeting with up-and-coming P.T. and PTA programs working on their accreditation from the Commission on Accreditation in Physical Therapy Education.

Board Meetings

Three Board meetings are mandated each year. Typically, the Board conducts four meetings a year in Northern and Southern California. This year, all meetings were conducted virtually via Webex. In comparison to in-person meetings, virtual meetings increased attendance by 21%. Stakeholders have better access to Board meetings with the convenience of participating from anywhere, and travel and administrative costs have decreased by 98%.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y–PTA ONLY
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
PHYSICAL THERAPIST		
APPLICATION PROCESSING FEE	\$300	\$300
INITIAL LICENSING FEE	\$150	\$150
FINGERPRINTING FEE	\$49	N/A
NATIONAL EXAMINATION FEE	\$485***	**
CALIFORNIA LAW EXAMINATION FEE	\$65***	**
TOTAL INITIAL LICENSE FEES	\$1,049	N/A
BIENNIAL RENEWAL FEE	\$300	\$300
PHYSICAL THERAPIST ASSISTANT		
APPLICATION PROCESSING FEE	\$300	\$300
FINGERPRINTING FEE	\$49	N/A
NATIONAL EXAMINATION FEE	\$485***	**
CALIFORNIA LAW EXAMINATION FEE	\$65***	**
TOTAL INITIAL LICENSE FEES	\$899	N/A
BIENNIAL RENEWAL FEE	\$300	\$300

*Additional fees may be required. Refer to the laws and regulations for details.

** Fees set by the Federation of State Boards of Physical Therapy.

***Additional testing center fees: P.T. \$100.30/PTA \$82.60/CLE \$29.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ELECTRONEUROMYOGRAPHER—CERTIFICATION	0	0	5
KINESIOLOGICAL ELECTROMYOGRAPHER—CERTIFICATION	0	0	12
PHYSICAL THERAPIST—LICENSE	1,968	1,885	13,487
PHYSICAL THERAPIST ASSISTANT—LICENSE	725	611	3,694
TOTAL	2,693	2,496	17,198

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ELECTRONEUROMYOGRAPHER—CERTIFICATION	24	N/A	N/A
KINESIOLOGICAL ELECTROMYOGRAPHER—CERTIFICATION	29	N/A	N/A
PHYSICAL THERAPIST—LICENSE	N/A	33,988	N/A
PHYSICAL THERAPIST ASSISTANT—LICENSE	N/A	9,608	N/A
TOTAL	53	43,596	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PHYSICAL THERAPIST	EVERY 2 YEARS	30
PHYSICAL THERAPIST ASSISTANT	EVERY 2 YEARS	30

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
NATIONAL PHYSICAL THERAPIST EXAMINATION	1,115	248	1,284
NATIONAL PHYSICAL THERAPIST ASSISTANT EXAMINATION	536	239	775
CALIFORNIA LAW EXAMINATION	2,150	647	2,797
ELECTRONEUROMYOGRAPHY EXAMINATION	0	0	0
KINESIOLOGICAL ELECTROMYOGRAPHY EXAMINATION	0	0	0

Summary of Enforcement Activity

Consumer Complaints—Intake	
247	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
247	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
162	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
161	REFERRED FOR INVESTIGATION
1	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
408	OPENED
394	CLOSED
301	PENDING

Number of Days to Complete Intake and Investigations	
201	UP TO 90 DAYS
57	91 TO 180 DAYS
58	181 DAYS TO 1 YEAR
47	1 TO 2 YEARS
25	2 TO 3 YEARS
6	OVER 3 YEARS
206	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
27	ISSUED
27	ISSUED WITH A FINE
3	WITHDRAWN
0	DISMISSED
419	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

PHYSICAL THERAPY BOARD OF CALIFORNIA

Total Amount of Fines

\$15,550	ASSESSED
\$0	REDUCED
\$14,250	COLLECTED

Criminal/Civil Actions

1	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

51	CASES OPENED/INITIATED
31	CASES CLOSED
63	CASES PENDING

Number of Days to Complete Attorney General Cases

6	UP TO 1 YEAR
11	1 TO 2 YEARS
4	2 TO 3 YEARS
10	OVER 3 YEARS
879	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
31	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

3	LICENSE APPLICATIONS DENIED
5	REVOCATION
3	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
10	PROBATION ONLY
0	PUBLIC REPRIMAND
3	OTHER DECISIONS
24	TOTAL

Petition for Modification or Termination of Probation

1	GRANTED
1	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$158,562.44	ORDERED
\$26,588.75	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

4	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

206	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

463	AVERAGE NUMBER OF DAYS
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Licenses and regulates physician assistants.

www.pab.ca.gov

STAFF:

10 civil servant positions

1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

14,922

BOARD MEMBERSHIP:

4 public representatives

5 licensees

1 ex officio physician

BOARD STAFF:

Executive Officer: Rozana Khan

rozana.khan@dca.ca.gov

Assistant Executive Officer: Kristy Voong

kristy.voong@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code sections 3500-3546

California Code of Regulations, Division 13.8,
title 16, sections 1399.500-1399.623

SUNSET REVIEW:

Last review: 2020

Next review: 2025

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

New Executive Management Team

The Board appointed new Executive Officer Rozana Khan on December 1, 2020. She had served as the Board's interim executive officer since September 2020. Additionally, the Board hired Assistant Executive Officer Kristy Voong on June 16, 2021, to oversee the licensing and enforcement programs and provide general management-level support to all Board activities.

Sunset Review

The Board underwent its sunset review hearings in late 2020. The joint hearing before the Assembly Business and Professions Committee and Senate Business, Professions and Economic Development Committee was held on November 19, 2020, where the Board, represented by past President Jed Grant and Executive Officer Rozana Khan, answered questions as well as provided written responses to issues raised during the sunset review oversight process. As a result, the Board's operational authority was extended to January 1, 2026, in Senate Bill (SB) 806 (Roth, Chapter 649, Statutes of 2021); and various changes were made to laws governing the operation of the Board to clarify that it is an independent board and not a committee within the Medical Board of California (MBC).

Enforcement Program

In September 2020, to achieve its 2019–2023 Strategic Plan goal of becoming completely independent of MBC, the Board assumed all of its enforcement functions—complaint and discipline processing. These functions were previously handled by MBC through a shared services agreement. The Board now maintains the total span of control and accountability over all of its enforcement processes except those delegated to the Attorney General's Office and the Office of Administrative Hearings.

Technological Advancements for License Renewal

In October 2020, the Board implemented its license renewal postcard notification to replace the six-page renewal application coupon mailed to licensees. The postcard directs licensees to renew online via the BreZE system, which immediately updates their license status. This effort not only reduces the Board's carbon footprint but also significantly improves its renewal processing times and reduces costs associated in paper, printing, and postage.

Communications and Outreach

In September 2020, the Board launched its Facebook and Twitter accounts. Similar to its website and Listserv, the Board is utilizing these social media platforms to disseminate all Board-related information, including upcoming Board meeting reminders, information about the physician assistant profession, COVID-19-related updates and reminders, information regarding waivers issued by the Department of Consumer Affairs, alerts of disciplinary action taken against licensees, proposed regulatory updates, and job announcements.

Regulatory Update

On January 29, 2021, to implement the provisions of Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018), the Office of Administrative Law approved the Board's rulemaking file that amends sections 1399.525, 1399.526, and 1399.527 of title 16 of the California Code of Regulations—Substantial Relationship Criteria and Rehabilitation Criteria for Denials, Reinstatements, Suspensions, and Revocations. Additionally, the Board revised its initial application form and licensing processes consistent with the statutory changes.

NEW LEGISLATION

SB 806 (Roth, Chapter 649, Statutes of 2021) is the sunset bill for the Board that extends its operations until January 1, 2026. It also makes various technical changes requested by the Board, including deleting outdated requirements related to examinations and removing references to the Board being under the jurisdiction of the Medical Board of California.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPLICATION PROCESSING FEE	\$25	\$25
INITIAL LICENSE FEE	\$200	\$250
BIENNIAL RENEWAL FEE	\$300	\$300
FINGERPRINT CARD PROCESSING FEE	\$49	N/A

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PHYSICIAN ASSISTANT	1,630	1,428	6,544
TOTAL	1,630	1,428	6,544

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
PHYSICIAN ASSISTANT	N/A	14,922	N/A
TOTAL	N/A	14,922	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PHYSICIAN ASSISTANT	EVERY 2 YEARS	50 CATEGORY 1 OR NATIONAL CERTIFICATION

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION (PANCE)— ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS	N/A	N/A	N/A

Summary of Enforcement Activity

Consumer Complaints—Intake	
388	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
396	REFERRED FOR INVESTIGATION
6	PENDING

Conviction/Arrest Notification Complaints	
6	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
6	REFERRED FOR INVESTIGATION
1	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
402	OPENED
355	CLOSED
239	PENDING

Number of Days to Complete Intake and Investigations	
210	UP TO 90 DAYS
30	91 TO 180 DAYS
38	181 DAYS TO 1 YEAR
47	1 TO 2 YEARS
24	2 TO 3 YEARS
6	OVER 3 YEARS
201	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
5	ISSUED
1	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
788	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$1,000	ASSESSED
\$0	REDUCED
\$1,000	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
38	CASES OPENED/INITIATED
19	CASES CLOSED
39	CASES PENDING

PHYSICIAN ASSISTANT BOARD

Number of Days to Complete Attorney General Cases

9	UP TO 1 YEAR
3	1 TO 2 YEARS
3	2 TO 3 YEARS
4	OVER 3 YEARS
638	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
22	ACCUSATIONS FILED
4	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

2	LICENSE APPLICATIONS DENIED
1	REVOCATION
9	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
4	SUSPENSION ONLY
8	PROBATION ONLY
1	PUBLIC REPRIMAND
0	OTHER DECISIONS
26	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$241,978.79	ORDERED
\$22,514.01	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

13	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

177	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

244	AVERAGE NUMBER OF DAYS
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Licenses and regulates doctors of podiatric medicine.

www.pmbc.ca.gov

STAFF:

4 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

2,373

BOARD MEMBERSHIP:

3 public representatives
4 licensees

BOARD STAFF:

Executive Officer: Brian Naslund
brian.naslund@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2460–2499.8

California Code of Regulations, Division 13.9,
title 16, §§ 1399.650–1399.732

SUNSET REVIEW:

Last review: 2020 Next review: 2025

Board Highlights

RECIPROCITY

Per Business and Professions Code section 2488, an applicant may be eligible for licensure in California if they are licensed as a doctor of podiatric medicine in any other state and meet the following requirements:

- Pass Part III of the national exam within the last 10 years.
- Satisfactorily complete at least one year of postgraduate training.
- Submit fingerprints and obtain criminal record clearance from the state department of justice and the FBI (applicants in proximity to California may opt to obtain clearances utilizing Live Scan).
- Provide verification of a license in good standing from all states or counties in which a medical license has been held.
- Request a disciplinary databank report from the Federation of Podiatric Medicine be sent directly to the Board.

ACCOMPLISHMENTS

Sunset Review

The Board successfully completed the sunset review process, working closely with staff and members of the Senate and Assembly business and professions committees, Department of Consumer Affairs (DCA), California Podiatric Medical Association, and other boards and related entities. The Board's sunset hearing occurred on November 18, 2020. The Board will be reviewed again in 2025.

Strategic Plan

The Board is currently working toward the goals in its *Strategic Plan 2019–2022*. Board members and staff are achieving the following goals: the recruitment of doctors of podiatric medicine experts and consultants; collaboration with other healing arts boards and associations; participation in the legislative process as it impacts the Board and its licensees; management of its budgetary revenue and expenditures to ensure sustainability; and improvement of communications with licensees, stakeholders, and the public through more frequent updates to its website and social media communications.

COVID-19 Response

The Board seamlessly responded to the COVID-19 pandemic challenges without delays or interruptions. Formal telework agreements were in place, and efficiencies and office workflow remained uninterrupted. Additionally, no significant costs to the Board occurred related to the pandemic.

Throughout the pandemic, Board meetings continued as scheduled, in compliance with procedural and legal requirements, remained well attended and productive, and were continuously open to the public for participation. This was achieved through the support of DCA's SOLID and the Office of Information Services.

NEW LEGISLATION

AB 356 (Chen, Chapter 459, Statutes of 2021)

authorizes the Department of Public Health to issue a nonrenewable, temporary 12-month fluoroscopy permit to a licensed doctor of podiatric medicine who has submitted an application for a fluoroscopy certificate, has at least 40 hours of fluoroscopy experience while not subject to the Radiologic Technology Act, and pays a fee.

SB 806 (Roth, Chapter 649, Statutes of 2021) is the sunset bill for the Board that extends its operations until January 1, 2026. It also makes various technical changes requested by the Board, including aligning disclosure requirements relating to probation with physicians and surgeons.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

Fees*

License Type	Actual Fee	Statutory Limit
RESIDENT AND PERMANENT LICENSE/APPLICATION	\$100	\$100
RESIDENT LICENSE	\$100	\$100
PERMANENT LICENSE/INITIAL LICENSE	\$800	\$800
PERMANENT LICENSE/INITIAL CERTIFICATION	\$100	\$100
PERMANENT LICENSE/LICENSE RENEWAL	\$1,318	\$1,318
PERMANENT LICENSE/CURES FEE	\$22	\$22
RESIDENT AND PERMANENT LICENSE/DUPLICATE LICENSE	\$100	\$100
RESIDENT AND PERMANENT LICENSE/LETTER OF GOOD STANDING	\$100	\$100
PERMANENT LICENSE/CME COURSE APPROVAL	\$250	\$250
PERMANENT LICENSE/DELINQUENT AFTER 30 DAYS	\$150	\$150
PERMANENT LICENSE/DELINQUENT AFTER 90 DAYS* STARTING 1/1/2021	\$659	50% OF RENEWAL FEE

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PERMANENT DOCTOR OF PODIATRIC MEDICINE	108	93	1,050
RESIDENT STATUS LICENSE	48	47	87
TOTAL	156	140	1,137

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
PERMANENT DOCTOR OF PODIATRIC MEDICINE	N/A	2,246	N/A
RESIDENT STATUS LICENSE	N/A	127	N/A
TOTAL	N/A	2,373	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PERMANENT DOCTOR OF PODIATRIC MEDICINE	EVERY 2 YEARS	50
RESIDENT STATUS LICENSE	N/A*	N/A

*Yearly extension based on resident program approval

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
NBPME/APMLE PART III	52	0	52

Summary of Enforcement Activity

Consumer Complaints—Intake	
108	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
111	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
3	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
4	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
115	OPENED
148	CLOSED
56	PENDING

Number of Days to Complete Intake and Investigations	
82	UP TO 90 DAYS
18	91 TO 180 DAYS
25	181 DAYS TO 1 YEAR
15	1 TO 2 YEARS
8	2 TO 3 YEARS
0	OVER 3 YEARS
170	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
4	ISSUED
4	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
552	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

PODIATRIC MEDICAL BOARD OF CALIFORNIA

Total Amount of Fines	
\$7,626	ASSESSED
\$1,500	REDUCED
\$4,000	COLLECTED

Criminal/Civil Actions	
0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
16	CASES OPENED/INITIATED
9	CASES CLOSED
19	CASES PENDING

Number of Days to Complete Attorney General Cases	
0	UP TO 1 YEAR
1	1 TO 2 YEARS
4	2 TO 3 YEARS
4	OVER 3 YEARS
1,223	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
0	STATEMENTS OF ISSUES FILED
10	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
3	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
0	LICENSE APPLICATIONS DENIED
1	REVOCATION
3	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
2	PROBATION ONLY
2	PUBLIC REPRIMAND
1	OTHER DECISIONS
9	TOTAL

Petition for Modification or Termination of Probation	
0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
0	GRANTED
0	DENIED

Cost Recovery	
\$58,966.17	ORDERED
\$67,421	COLLECTED

Restitution to Consumers/Refunds/Savings	
\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment	
7	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
170	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
540	AVERAGE NUMBER OF DAYS



Oversees and regulates private postsecondary educational institutions located in California.

www.bppe.ca.gov

STAFF:

110 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

999

ADVISORY COMMITTEE MEMBERSHIP:

2 public representatives
3 institutional representatives
3 consumer advocates
2 current or past students
2 nonvoting, ex officio members

BUREAU STAFF:

Chief: Deborah Cochrane
deborah.cochrane@dca.ca.gov

Deputy Chief: Leeza Rifredi
leeza.rifredi@dca.ca.gov

OSAR Chief: Scott Valverde
scott.valverde@dca.ca.gov

LAWS AND REGULATIONS:

California Private Postsecondary Act of 2009,
California Education Code §§ 94800–94950

California Code of Regulations, Division 7.5,
title 5, §§ 70000–76240

SUNSET REVIEW:

Last review: 2021 Next review: 2022

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS

New Bureau Chief

Chief Deborah Cochrane was appointed by Governor Gavin Newsom on March 15, 2021. With nearly two decades of expertise in federal and state higher education policy and research, she brings a wide range of skills, knowledge, and relationships that will be invaluable to the Bureau.

Sunset Review

The Bureau's sunset review hearing, postponed from 2020, was held March 15, 2021. The hearing, including Senate and Assembly Business and Professions Committees as well as Education Committees, covered many topics and Bureau recommendations outlined in its *Sunset Review Report* released in December 2019.

Business Modernization

The Bureau's Business Modernization Plan and new Connect system is scheduled for completion in spring 2022. Once fully implemented, Connect will streamline internal operations, simplify institutional compliance, and facilitate timely and complete reporting of Bureau activities and outcomes. Currently, applicants can submit an application to operate a non-accredited institution through the online portal. Connect also allows complaints to be submitted online and processed electronically. Future Connect features will include the ability to invoice and collect annual fees and Student Tuition Recovery Fund assessments and payments electronically.

Change in Higher Education Delivery

Due to the COVID-19 pandemic, the Licensing and Quality of Education units experienced a major increase in the number of higher education institutions applying for approval to offer education programs through distance education.

Enforcement

Successful collaboration with the Complaint and Investigations Unit's Special Investigations Team and other agencies led to criminal charges being filed against multiple school owners for fraud related to insurance vouchers.

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

After nearly a year in which in-person compliance inspections were not feasible due to the pandemic, Bureau staff began inspecting schools again during the fiscal year, using enhanced procedures to ensure staff safety.

By redirecting compliance resources towards discipline during the most heightened periods of the pandemic, the Discipline Unit was able to significantly reduce its citation backlog.

NEW LEGISLATION

SB 802 (Roth, Chapter 552, Statutes of 2021) extends the Bureau one year, from January 1, 2022, to January 1, 2023. This bill improves the Bureau's enforcement capabilities by authorizing proactive action against institutions that commit acts that may result in harm to students. The bill also makes some, but not all, of the changes recommended by the Bureau in its *2019 Sunset Report*, including changes to accreditation timelines and definitions.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	N
EXAMINATION	N
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	N

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPROVAL TO OPERATE AN INSTITUTION NON-ACCREDITED	\$5,000	\$5,000
APPROVAL TO OPERATE AN ACCREDITED INSTITUTION	\$750	\$750
ADDITION OF A SEPARATE BRANCH	\$3,000	\$3,000
CHANGE OF BUSINESS ORGANIZATION/CONTROL/ OWNERSHIP	\$500	\$500
CHANGE OF EDUCATIONAL OBJECTIVES	\$500	\$500
CHANGE OF LOCATION	\$500	\$500
CHANGE OF METHOD OF DELIVERY	\$500	\$500
CHANGE OF NAME	\$500	\$500
REGISTRATION OF OUT-OF-STATE INSTITUTION	\$1,500	\$1,500
RENEWAL FOR APPROVAL TO OPERATE AN INSTITUTION NON-ACCREDITED	\$3,500	\$3,500
RENEWAL FOR APPROVAL TO OPERATE AN INSTITUTION NON-ACCREDITED BRANCH	\$3,000	\$3,000
RENEWAL FOR APPROVAL TO OPERATE AN ACCREDITED INSTITUTION	\$500	\$500
SUBSTANTIVE CHANGE TO ACCREDITED INSTITUTION	\$250	\$250
VERIFICATION OF EXEMPTION	\$250	\$250

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
INITIAL INSTITUTIONAL APPROVAL BY MEANS OF ACCREDITATION	47	38	52
INITIAL INSTITUTIONAL APPROVAL NON-ACCREDITED	45	30	20
OUT-OF-STATE REGISTERED	31	23	N/A
VERIFICATION OF EXEMPTION	258	207	N/A
TOTAL	381	298	72

Licensing Population by Type

TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
INITIAL INSTITUTIONAL APPROVAL BY MEANS OF ACCREDITATION	N/A	411	N/A
INITIAL INSTITUTIONAL APPROVAL NON- ACCREDITED	N/A	519	N/A
OUT-OF-STATE REGISTERED	N/A	69	N/A
TOTAL	N/A	999	N/A
VERIFICATION OF EXEMPTION*	N/A	207	N/A

*Verification of exemptions are not a license, registration, permit, or certificate. They are a verification of an institution's exempt status.

Licensing Population by Location Type

TYPE	APPROVALS
MAIN	963
BRANCH	359
SATELLITE	513
TOTAL	1,835

Substantial Change Applications by Type

APPLICATION	RECEIVED	APPROVED
CHANGE OF NAME	33	24
CHANGE OF LOCATION	43	35
CHANGE OF OWNERSHIP	42	34
CHANGE OF EDUCATIONAL OBJECTIVES	161	132
CHANGE OF METHOD	218	278

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
N/A	N/A	N/A

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
N/A	N/A	N/A	N/A

Summary of Enforcement Activity

Consumer Complaints—Intake

828	RECEIVED
232	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
596	REFERRED FOR INVESTIGATION
4	PENDING

Conviction/Arrest Notification Complaints

0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections

104	CONDUCTED
83	CITATIONS ISSUED

Investigations

596	OPENED
589	CLOSED
223	PENDING

Number of Days to Complete Intake and Investigations

314	UP TO 90 DAYS
140	91 TO 180 DAYS
89	181 DAYS TO 1 YEAR
37	1 TO 2 YEARS
5	2 TO 3 YEARS
4	OVER 3 YEARS
138	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

379	ISSUED
326	ISSUED WITH A FINE
18	WITHDRAWN
4	DISMISSED
22	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$6,691,418.99	ASSESSED
\$620,328	REDUCED
\$372,640	COLLECTED

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

12	CASES OPENED/INITIATED
30	CASES CLOSED
10	CASES PENDING

Number of Days to Complete Attorney General Cases

8	UP TO 1 YEAR
15	1 TO 2 YEARS
3	2 TO 3 YEARS
4	OVER 3 YEARS
575	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

6	STATEMENTS OF ISSUES FILED
10	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
12	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

6	LICENSE APPLICATIONS DENIED
8	REVOCATION
5	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
1	PROBATION ONLY
1	PUBLIC REPRIMAND
2	OTHER DECISIONS
23	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$87,182.69	ORDERED
\$34,915.52	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$77,805.30	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$77,805.30	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

5	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

136	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

339	AVERAGE NUMBER OF DAYS
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OFFICE OF STUDENT ASSISTANCE AND RELIEF

(An office within the Bureau for Private Postsecondary Education)

Chief: Scott Valverde
scott.valverde@dca.ca.gov

www.osar.bppe.ca.gov

Provides students with information on their rights when attending a private college, filing a school complaint, resources available including potential reimbursement from the Student Tuition Recovery Fund (STRF), and how to access state and federal relief programs.

ACCOMPLISHMENTS

In 2020–21, the Office of Student Assistance and Relief (OSAR) served over 110,000 students and prospective students throughout the state. During the COVID-19 pandemic, OSAR delivered much of its closed school outreach content through direct email campaigns, one-on-one virtual meetings with students, direct email and phone contacts, and by sharing an asynchronous video presentation of a closed school workshop that was launched in 2020–21. Due to various COVID-19 impacts, many schools approved by the Bureau closed temporarily or transitioned to an online mode of instructional delivery temporarily or permanently. OSAR worked closely with the Bureau's Licensing Unit to reach out to students impacted by these drastic changes to increase awareness of their rights and of OSAR's free services.

OSAR enhanced its website and internet presence in 2020–21 by adding a list of frequently asked questions for former Corinthian Colleges students, maintaining an upcoming events calendar, adding a link to the newly launched closed school workshop video, and increasing its social media presence. OSAR initiated 107 posts and received 17,173 engagements across three social media platforms: Instagram, Facebook, and Twitter.

At the end of the year, OSAR and Bureau leadership worked together to expand and strengthen relationships and coordination with key stakeholders and partners.

NUMBER OF STUDENTS SERVED

Federal Loan Forgiveness Claims	Total
Number of Students Assisted	110,498
Pending Claims	
Pending Claims (Qty.)	77
Pending Claims (Dollar Amount)	\$2,158,197.73
Approved Claims	
Approved Claims (Qty.)	10
Approved Claims (Dollar Amount)	\$205,897.48
Denied Claims	
Denied Claims (Qty.)	1
Denied Claims (Dollar Amount)	\$12,609.65
Appealed Claims	
Appealed Claims (Qty.)	0
Appealed Claims (Dollar Amount)	\$0

Students Served By OSAR	Total
Corinthian Students	108,601
Other Eligible Students	4,924
Total Number of Students	113,525

SUMMARY OF STUDENT SERVICES

STRF Claims Received by the Bureau for Private Postsecondary Education (OSAR) State Fiscal Year 2020–21	Total
Number of Students Assisted	113,160
Number of Claims Received	1,337
Pending Claims	
Pending Claims (Qty.)	1,356
Pending Claims (Total Dollar Amount)	\$24,804,081.36
Approved Claims	
Claims Approved (Qty.)	457
Claims Approved (Total Dollar Amount)	\$6,492,131.21
Student Loans Canceled (Dollar Amount)	\$205,897.48
Student Loans Paid Off (Dollar Amount)	\$0
Cash Reimbursements to Students (Dollar Amount)	\$6,471,457.21
Denied Claims	
Claims Denied (Qty.)	250
Claims Denied (Total Dollar Amount)	\$4,434,928.88
Appealed Claims	
Claims on Appeal (Qty.)	8
Claims on Appeal (Total Dollar Amount)	\$103,696

Private Loan Relief (Non-STRF)	Total
Number of Students Assisted	110,490
- Referred Students to the Consumer Financial Protection Bureau	
- Referred Students to the California Department of Business Oversight	

Federal Loan Income-Dependent Repayment Plans	Total
Number of Students Assisted	0
Students Helped Out of Default on Federal Loan Through Consolidation or Rehabilitation	0



Licenses and regulates engineers, land surveyors, geologists, and geophysicists.

www.bpelsg.ca.gov

STAFF:

42.7 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

180,530

BOARD MEMBERSHIP:

8 public representatives
7 licensees

BOARD STAFF:

Executive Officer: Richard B. Moore
ric.moore@dca.ca.gov

Assistant Executive Officer: Nancy A. Eissler
nancy.eissler@dca.ca.gov

LAWS AND REGULATIONS:

Professional Engineers Act (Business and Professions Code § 6700, et seq.)

Geologist and Geophysicist Act (Business and Professions Code § 7800, et seq.)

Professional Land Surveyors' Act (Business and Professions Code § 8700, et seq.)

California Code of Regulations, Divisions 5 and 29, title 16 (§§ 400, et seq., and 3000, et seq., respectively)

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code sections 6759 and 8748, an engineer or land surveyor licensed in another state or country may apply for licensure in California by comity. Comity applicants must submit a complete application including work descriptions, references that can verify the work experience, college transcripts (optional), and verification of successful examination in another state.

California accepts results of the National Council of Examiners for Engineering and Surveying (NCEES) exams for the practice act branches of civil, electrical, and mechanical engineering, the title act engineering branches, except for traffic, for which there is no national NCEES examination, and the NCEES Principles of Surveying examination for land surveying. Civil engineering applicants must also pass the California Seismic Principles and Engineering Surveying exams, which are both mandated by statute. Land surveying applicants must pass the California Professional Land Surveying examination, as required by statute. In addition, all comity applicants must take and pass the California Laws and Board Rules examination. If the home state has waived the Fundamentals of Engineering or Fundamentals of Surveying examination, the application is evaluated to see if the home state's waiver matches California's waiver requirements; if not, the applicant must pass the respective fundamentals examination or have 14–17 years of experience in addition to a degree in engineering or surveying, respectively.

Pursuant to Business and Professions Code section 7847, the Board may accept out-of-state or foreign registration as qualification to license an applicant as a geologist or geophysicist so long as the applicant's qualifications meet the requirements to become a professional geologist or geophysicist in California, including meeting the qualifying requirements for education, experience, and examinations.

ACCOMPLISHMENTS

Business Modernization

In September 2020, the Board—together with three other Boards and the Department of Consumer Affairs Office of Information Services—successfully transitioned the engineer-in-training (EIT) and land surveyor-in-training (LSIT) application process to an online method and launched a new online complaint submittal process. The implementation of online applications reduced average processing times from 26 days to nine days. The Board also saw a 23% increase in EIT and LSIT application volume for the period September 17, 2020, through June 30, 2021, compared to the same time period the year prior.

As of January 2021, all current license holders can renew their licenses through an online portal. As a result, online participation for renewals in fiscal year 2020–21 increased to over 53% compared to 46% in 2019–20.

As of June 2021, applicants can submit online applications for professional engineer licenses that do not require a state exam component. The Board received 59 new initial professional engineer applications through June 30, 2021.

Enforcement

In 2010, DCA implemented the Consumer Protection Enforcement Initiative (CPEI), which established goals to improve the processing of enforcement cases by its boards and bureaus. Several goals were identified to reduce time frames to complete various stages of the complaint investigation process.

One of the phases of the complaint investigation process presenting a challenge for many years was the formal disciplinary phase. The goal to complete the investigation from the opening of the complaint to final decision was set at 540 days.

At the beginning of the implementation of the goal, the Board's average time to complete an investigation from opening an investigation to a final decision was 1,795 days (5.5 years). The time frame stayed consistently high for several years, regularly exceeding three years.

Concerted efforts by the Board, the Office of the Attorney General, and the Office of Administrative Hearings to evaluate performance measures and improve processes contributed to a drastic reduction in the processing of disciplinary cases over the last few years. At the end of 2020–21, the Board essentially reached this goal by reducing the time frame to 541 days.

Simplified Fee Structure

Effective January 1, 2021, the Board implemented a standardized and simplified fee structure to foster an affordable path to licensure, align fees with the cost of operational services, and set fees to facilitate the effective administration of the Board while meeting the needs of the public, applicants, and licensees.

NEW LEGISLATION

SB 414 (Jones, Chapter 106, Statutes of 2021) makes various technical changes to the Professional Land Surveyors' Act including: (1) expanding the deadline for local agencies to hear appeals on tentative maps from 30 to 45 days; (2) defining "cadastral surveying"; and (3) clarifying the criteria for the Board to suspend or revoke a license.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	ENGINEERS/LAND SURVEYORS: NO; GEOLOGISTS/ GEOPHYSICIST: YES
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	N
FINGERPRINT REQUIREMENT	Y

Fees*

License Type	Actual Fee	Statutory Limit
PROFESSIONAL ENGINEER (ALL DISCIPLINES) APPLICATION FEE	\$175	\$400
PROFESSIONAL LAND SURVEYOR APPLICATION FEE	\$175	\$400
ENGINEER-IN-TRAINING (EIT) APPLICATION FEE	\$75	\$100
LAND SURVEYOR-IN-TRAINING (LSIT) APPLICATION FEE	\$75	\$100
GEOLOGIST-IN-TRAINING (GIT) APPLICATION FEE	\$75	\$100
PROFESSIONAL GEOLOGIST APPLICATION FEE	\$175	\$250
PROFESSIONAL GEOPHYSICIST APPLICATION FEE	\$175	\$250
CERTIFIED ENGINEERING GEOLOGIST APPLICATION FEE	\$175	\$250
CERTIFIED HYDROGEOLOGIST APPLICATION FEE	\$175	\$250
SEISMIC PRINCIPLES EXAMINATION FEE	\$175	**
ENGINEERING SURVEYING EXAMINATION FEE	\$175	**

License Type	Actual Fee	Statutory Limit
PROFESSIONAL LAND SURVEYOR EXAMINATION FEE	\$175	**
TRAFFIC EXAMINATION FEE	\$175	**
GEOTECHNICAL EXAMINATION FEE	\$175	**
ASBOG FUNDAMENTALS OF GEOLOGY	\$175	**
ASBOG PRACTICE OF GEOLOGY EXAMINATION FEE	\$175	**
GEOLOGY CALIFORNIA SPECIFIC EXAMINATION FEE	\$175	**
PROFESSIONAL GEOPHYSICIST EXAMINATION FEE	\$175	**
CERTIFIED ENGINEERING GEOLOGIST EXAMINATION FEE	\$175	**
CERTIFIED HYDROGEOLOGIST EXAMINATION FEE	\$175	**
PROFESSIONAL ENGINEER (ALL DISCIPLINES) RENEWAL FEES	\$180	\$400
PROFESSIONAL LAND SURVEYOR RENEWAL FEE	\$180	\$400
PROFESSIONAL GEOLOGIST RENEWAL FEE	\$180	\$400
PROFESSIONAL GEOPHYSICIST RENEWAL FEE	\$180	\$400
CERTIFIED ENGINEERING GEOLOGIST RENEWAL FEE	\$180	\$400
CERTIFIED HYDROGEOLOGIST RENEWAL FEE	\$180	\$400
RETIRED LICENSE—ALL LICENSES	\$75	***

*Additional fees may be required. Refer to the laws and regulations for details. Applicants are required to pay additional fees directly to Prometric and/or NCEES for engineering and land surveying exams.

** No greater than actual cost of development and administration or cost to administer exam.

*** Not more than 50% of application fee in effect at time of license retirement.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
AGRICULTURAL ENGINEER	4	4	57
CERTIFIED ENGINEERING GEOLOGIST	29	11	704
CERTIFIED HYDROGEOLOGIST	12	9	479
CHEMICAL ENGINEER	45	39	942
CIVIL ENGINEER	1,143	1,088	27,655
CONSULTING ENGINEER	N/A	N/A	1
CONTROL SYSTEMS ENGINEER	28	29	437
CORROSION ENGINEER	N/A	N/A	56
ELECTRICAL ENGINEER	407	298	5,704
ENGINEER-IN-TRAINING	3,173	3,113	N/A
FIRE PROTECTION ENGINEER	55	57	470
GEOLOGIST-IN-TRAINING	180	159	N/A
GEOTECHNICAL ENGINEER	32	20	622
INDUSTRIAL ENGINEER	6	3	132
LAND SURVEYOR	77	59	1,976
LAND SURVEYOR-IN-TRAINING	122	118	N/A
MANUFACTURING ENGINEER	N/A	N/A	130
MECHANICAL ENGINEER	466	407	7,992
METALLURGICAL ENGINEER	10	7	89
NUCLEAR ENGINEER	1	1	79
PETROLEUM ENGINEER	11	11	153
PHOTOGRAMMETRIC SURVEYOR	N/A	N/A	N/A
GEOLOGIST	151	108	2,540
GEOPHYSICIST	9	2	81
QUALITY ENGINEER	N/A	N/A	134
SAFETY ENGINEER	N/A	N/A	105
STRUCTURAL ENGINEER	178	69	2,047
TRAFFIC ENGINEER	32	30	821
TOTAL	6,171	5,642	53,406

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
AGRICULTURAL ENGINEER	N/A	107	N/A
CERTIFIED ENGINEERING GEOLOGIST	N/A	1,432	N/A
CERTIFIED HYDROGEOLOGIST	N/A	922	N/A
CHEMICAL ENGINEER	N/A	1,880	N/A
CIVIL ENGINEER	N/A	57,806	N/A
CONSULTING ENGINEER	N/A	1	N/A
CONTROL SYSTEMS ENGINEER	N/A	792	N/A
CORROSION ENGINEER	N/A	135	N/A
ELECTRICAL ENGINEER	N/A	10,593	N/A
ENGINEER-IN-TRAINING	68,617	N/A	N/A
FIRE PROTECTION ENGINEER	N/A	888	N/A
GEOLOGIST-IN-TRAINING	517	N/A	N/A
GEOTECHNICAL ENGINEER	N/A	1,364	N/A
INDUSTRIAL ENGINEER	N/A	241	N/A
LAND SURVEYOR	N/A	4,013	N/A
LAND SURVEYOR-IN-TRAINING	3,210	N/A	N/A
MANUFACTURING ENGINEER	N/A	204	N/A
MECHANICAL ENGINEER	N/A	15,548	N/A
METALLURGICAL ENGINEER	N/A	192	N/A
NUCLEAR ENGINEER	N/A	258	N/A
PETROLEUM ENGINEER	N/A	310	N/A
PHOTOGRAMMETRIC SURVEYOR	N/A	0	N/A
GEOLOGIST	N/A	5,032	N/A
GEOPHYSICIST	N/A	147	N/A
QUALITY ENGINEER	N/A	204	N/A
SAFETY ENGINEER	N/A	233	N/A
STRUCTURAL ENGINEER	N/A	4,375	N/A
TRAFFIC ENGINEER	N/A	1,509	N/A
TOTAL	72,344	108,186	N/A

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
AGRICULTURAL ENGINEER	EVERY 2 YEARS	N/A
CERTIFIED ENGINEERING GEOLOGIST	EVERY 2 YEARS	N/A
CERTIFIED HYDROGEOLOGIST	EVERY 2 YEARS	N/A
CHEMICAL ENGINEER	EVERY 2 YEARS	N/A
CIVIL ENGINEER	EVERY 2 YEARS	N/A
CONSULTING ENGINEER	EVERY 2 YEARS	N/A
CORROSION ENGINEER	EVERY 2 YEARS	N/A
CONTROL SYSTEMS ENGINEER	EVERY 2 YEARS	N/A
ELECTRICAL ENGINEER	EVERY 2 YEARS	N/A
FIRE PROTECTION ENGINEER	EVERY 2 YEARS	N/A
GEOLOGIST	EVERY 2 YEARS	N/A
GEOPHYSICIST	EVERY 2 YEARS	N/A
GEOTECHNICAL ENGINEER	EVERY 2 YEARS	N/A
INDUSTRIAL ENGINEER	EVERY 2 YEARS	N/A
LAND SURVEYOR	EVERY 2 YEARS	N/A
MANUFACTURING ENGINEER	EVERY 2 YEARS	N/A
MECHANICAL ENGINEER	EVERY 2 YEARS	N/A
METALLURGICAL ENGINEER	EVERY 2 YEARS	N/A
NUCLEAR ENGINEER	EVERY 2 YEARS	N/A
PETROLEUM ENGINEER	EVERY 2 YEARS	N/A
PHOTOGRAMMATIC SURVEYOR	EVERY 2 YEARS	N/A
QUALITY ENGINEER	EVERY 2 YEARS	N/A
SAFETY ENGINEER	EVERY 2 YEARS	N/A
STRUCTURAL ENGINEER	EVERY 2 YEARS	N/A
TRAFFIC ENGINEER	EVERY 2 YEARS	N/A
ENGINEER-IN-TRAINING	VALID UNTIL ENGINEER LICENSE ISSUED	N/A
GEOLOGIST-IN-TRAINING	VALID UNTIL GEOLOGIST LICENSE ISSUED	N/A
LAND SURVEYOR-IN-TRAINING	VALID UNTIL LAND SURVEYOR LICENSE ISSUED	N/A

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
AGRICULTURAL ENGINEERING	2	0	2
CERTIFIED ENGINEERING GEOLOGIST	11	6	17
CERTIFIED HYDROGEOLOGIST	9	5	14
CHEMICAL ENGINEERING	44	41	85
CIVIL ENGINEERING—PRINCIPLES AND PRACTICE	1,414	1,549	2,963
CIVIL ENGINEERING—ENGINEERING SURVEYING	1,445	1,332	2,777
CIVIL ENGINEERING—SEISMIC PRINCIPLES	1,493	1,113	2,606

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
CONTROL SYSTEMS ENGINEERING	14	16	30
ELECTRICAL ENGINEERING	250	201	451
FIRE PROTECTION ENGINEERING	52	2	54
FUNDAMENTALS OF ENGINEERING	3,200	2,677	5,877
FUNDAMENTALS OF GEOLOGY	217	89	306
FUNDAMENTALS OF SURVEYING	126	154	280
GEOLOGIST—CALIFORNIA STATE SPECIFIC EXAM	87	98	185
GEOLOGIST—PRINCIPLES AND PRACTICE	130	40	170
GEOPHYSICIST	2	3	5
GEOTECHNICAL ENGINEERING	21	39	60
INDUSTRIAL AND SYSTEMS ENGINEERING	8	6	14
LAND SURVEYING—PRINCIPLES AND PRACTICE	67	71	138
LAND SURVEYING—CALIFORNIA STATE SPECIFIC EXAM	68	133	201
MECHANICAL ENGINEERING	370	214	584
METALLURGICAL AND MATERIALS ENGINEERING	7	5	12
NUCLEAR ENGINEERING	0	1	1
PETROLEUM ENGINEERING	6	12	18
STRUCTURAL ENGINEERING—LATERAL FORCES	72	118	190
STRUCTURAL ENGINEERING—VERTICAL FORCES	77	86	163
TRAFFIC ENGINEERING	31	18	49

Summary of Enforcement Activity

Consumer Complaints—Intake

405	RECEIVED
50	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
352	REFERRED FOR INVESTIGATION
3	PENDING

Conviction/Arrest Notification Complaints

1	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1	REFERRED FOR INVESTIGATION
0	PENDING

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Inspections

N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations

353	OPENED
315	CLOSED
285	PENDING

Number of Days to Complete Intake and Investigations

54	UP TO 90 DAYS
61	91 TO 180 DAYS
107	181 DAYS TO 1 YEAR
88	1 TO 2 YEARS
5	2 TO 3 YEARS
0	OVER 3 YEARS
279	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

95	ISSUED
90	ISSUED WITH A FINE
0	WITHDRAWN
5	DISMISSED
533	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$143,500	ASSESSED
\$0	REDUCED
\$108,625	COLLECTED

Criminal/Civil Actions

2	REFERRALS FOR CRIMINAL/CIVIL ACTION
2	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

30	CASES OPENED/INITIATED
38	CASES CLOSED
22	CASES PENDING

Number of Days to Complete Attorney General Cases

14	UP TO 1 YEAR
15	1 TO 2 YEARS
8	2 TO 3 YEARS
1	OVER 3 YEARS
541	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
38	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
2	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

2	LICENSE APPLICATIONS DENIED
10	REVOCATION
6	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
14	PROBATION ONLY
6	PUBLIC REPRIMAND
2	OTHER DECISIONS
40	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

1	GRANTED
1	DENIED

Cost Recovery

\$106,534	ORDERED
\$133,271	COLLECTED

Restitution to Consumers/Refunds/Savings

\$6,900	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$6,900	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

5	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

274	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

358	AVERAGE NUMBER OF DAYS
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DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

Licenses and regulates professional fiduciaries.
www.fiduciary.ca.gov

STAFF:

2 civil servant positions
 1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

813

ADVISORY COMMITTEE:

4 public representatives
 3 licensees

BUREAU STAFF:

Chief: Rebecca May
rebecca.may@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 6500–6592

California Code of Regulations, Division 41,
 title 16 §§ 4400–4622

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS**Licensing Improvements**

This year, the Bureau continued to partner with the Department of Consumer Affairs on its Business Modernization Project, focusing on enhancing its online presence for licensees. As a result of these efforts, the Bureau anticipates being able to accept online renewal payments in late 2021 or early 2022.

The Bureau improved its application processing efficiency by notifying candidates by email instead of via the U.S. Postal Service of approval to sit for the licensing examination. This process modification allows applicants to register for the examination or satisfy application deficiencies sooner, shortening the overall application processing timeline and saving postage costs.

Communications and Outreach

In response to consumer feedback received during advisory committee meetings, the Bureau made several updates to its website focused on improving its ease of use and providing helpful new content for consumers. Updates included adding information on how to file a complaint and how to request information under the Public Records Act and providing a direct link to the Office of Administrative Hearings website to keep consumers apprised of upcoming administrative hearings for licensees. The Bureau also published two newsletters informing licensees and the public on the Bureau's activities, important legislative and regulatory updates, and other pertinent information.

Regulatory Implementation

The Office of Administrative Law approved several Bureau regulation packages to implement recently enacted legislation related to expediting application processing for refugees, asylees, and special immigrant visa holders.

NEW LEGISLATION**AB 465 (Nazarian, Chapter 167, Statutes of 2021)**

requires professional fiduciary licensees, beginning January 1, 2023, as part of their renewal or restoration of a license, to complete at least two hours of instruction in ethics, cultural competency, or both, on an annual basis. In addition, beginning January 1, 2023, new licensees must complete at least one hour of instruction in cultural competency as part of their initial 30 hours of education required for licensure.

AB 1194 (Low, Chapter 417, Statutes of 2021) requires:

(1) a licensed professional fiduciary with an internet website to post a schedule of fees on their website, or to provide a fee schedule before contracting for their services or upon request; (2) a licensed professional fiduciary to be liable for a civil penalty up to \$10,000 if the court finds the professional fiduciary abused a conservatee; (3) the Judicial Council, by January 1, 2024, to report to the Legislature its findings measuring court effectiveness in conservatorship cases; and (4) the Bureau to investigate specified allegations and impose sanctions or revoke an individual's license, as appropriate. This bill also prohibits a guardian or trustee or an employee of the guardian or conservator to hire or refer business to an entity where they have a financial interest.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees

License Type	Actual Fee	Statutory Limit
APPLICATION	\$400	N/A
INITIAL LICENSE	\$600 + PRORATION	N/A
RENEWAL	\$700	N/A
DELINQUENT RENEWAL	\$150	N/A
DUPLICATE LICENSE	\$25	N/A

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PROFESSIONAL FIDUCIARY	94	89	730
TOTAL	94	89	730

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
PROFESSIONAL FIDUCIARY	0	813	0
TOTAL	0	813	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PROFESSIONAL FIDUCIARY	ANNUAL	15 (INCLUDING 2 HOURS OF ETHICS)

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
PROFESSIONAL FIDUCIARY EXAMINATION (STATE)	89	90	179
PROFESSIONAL FIDUCIARY EXAMINATION (NATIONAL)	111	59	170

Summary of Enforcement Activity

Consumer Complaints—Intake	
114	RECEIVED
21	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
95	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
0	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
0	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
95	OPENED
65	CLOSED
119	PENDING

Number of Days to Complete Intake and Investigations	
19	UP TO 90 DAYS
12	91 TO 180 DAYS
6	181 DAYS TO 1 YEAR
24	1 TO 2 YEARS
4	2 TO 3 YEARS
0	OVER 3 YEARS
330	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

PROFESSIONAL FIDUCIARIES BUREAU

Citations and Fines

7	ISSUED
7	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
92	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$35,000	ASSESSED
\$19,500	REDUCED
\$10,500	COLLECTED

Criminal/Civil Actions

N/A	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

1	CASES OPENED/INITIATED
2	CASES CLOSED
6	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
0	1 TO 2 YEARS
2	2 TO 3 YEARS
0	OVER 3 YEARS
1,047	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
1	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
0	REVOCATION
2	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
0	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
2	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$24,250.01	ORDERED
\$4,800	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

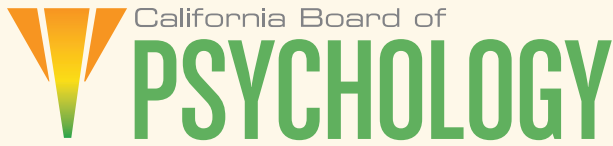
2	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

328	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

368	AVERAGE NUMBER OF DAYS
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Licenses and regulates psychologists, registered psychologists, and psychological assistants.

www.psychology.ca.gov

STAFF:

27.3 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

23,661

BOARD MEMBERSHIP:

4 public representatives
5 licensees

BOARD STAFF:

Executive Officer: Antonette Sorrick
antonette.sorrick@dca.ca.gov

Assistant Executive Officer: Jonathan Burke
jonathan.burke@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2900–2999

California Code of Regulations, Division 13.6,
title 16, §§ 1380–1397.71

SUNSET REVIEW:

Last review: 2021 Next review: 2025

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 2946, a psychologist certified or licensed in another state or province who has applied to the Board for a license in California may perform activities and services of a psychological nature without a valid license for a period not to exceed 180 calendar days from the time of submitting his or her application or from the commencement of residency in California, whichever occurs first. Business and Professions Code section 2912 states that nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in a calendar year.

ACCOMPLISHMENTS

Operational Efficiencies

In fiscal year 2020–21, the Board conducted five Board meetings and five committee meetings. Due to the COVID-19 pandemic, the Board continued to operate its meetings online.

Beginning in 2019–20, the Board began actively reducing its discretionary spending to address a structural deficit. Actions the Board took to address its discretionary spending include, but are not limited to: holding Board and committee meetings remotely, reducing travel and per diem costs; utilizing the bureau model of considering petitions for license reinstatement and penalty reduction in closed session without the costs of a hearing (which include services of a deputy attorney general, administrative law judge, and court reporter); and greatly reducing administrative costs including trainings, office supplies, and employee overtime.

Outreach

Due to the virtual nature of its meetings and the reduced cost of attendance, all Board members and executive staff were able to attend the Association of State and Provincial Psychology Board's Annual Meeting in October 2020 and its Midyear Meeting in April 2021. Some topics at the meetings included: PSYPACT—interjurisdictional practice of telehealth; Examination for Professional Practice in Psychology Part 2 Skills—the evolution of the national licensure exam; and COVID-19 regulatory and practice considerations.

Despite the challenges created by the COVID-19 pandemic, the Board continued to communicate to its stakeholders about waivers and policies that were impacted. Additionally, the Board conducted its sunset hearing on March 3, 2021 and worked with legislative staff to introduce legislation to reduce barriers and consolidate pathways to licensure.

The Board continues to work with the Legislature to modernize its disciplinary statutes related to a licensee's inappropriate behavior with a client.

NEW LEGISLATION

SB 801 (Archuleta, Chapter 647, Statutes of 2021) is the sunset vehicle for the Board. It makes several changes to improve the Board's licensing and administrative functions, including, among other things: extending the operations of the Board to January 1, 2026; expanding the scope of telehealth providers; renaming the position of "psychological assistant" to "registered psychological associate;" and revising education, training, and supervision requirements for Board applicants.

License Requirements

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y*
EXAMINATION	Y**
CONTINUING EDUCATION/COMPETENCY	Y**
FINGERPRINT REQUIREMENT	Y

Business and Professions Code sections 2909, 2913, and 2914; California Code of Regulations sections 1387 and 1387.4.

*No minimum experience requirement for psychological assistant.

**Examinations and continuing education are only required for psychologists.

Fees*

License Type	Actual Fee	Statutory Limit
PSYCHOLOGIST/APPLICATION FEE	\$40	\$50
PSYCHOLOGIST/INITIAL LICENSE FEE	\$400	EQUAL TO RENEWAL FEE
PSYCHOLOGIST (ACTIVE)/BIENNIAL RENEWAL FEE	\$400	\$500
PSYCHOLOGIST (ACTIVE)/ADDITIONAL BIENNIAL FEES PAID AT RENEWAL **	\$30	\$30
PSYCHOLOGIST (INACTIVE)/BIENNIAL RENEWAL FEE	\$40	\$40
PSYCHOLOGIST (INACTIVE)/ADDITIONAL BIENNIAL FEES PAID AT RENEWAL ***	\$20	\$20
PSYCHOLOGIST (ACTIVE)/DELINQUENCY FEE	\$150	50% OF RENEWAL NOT TO EXCEED \$150
PSYCHOLOGIST (INACTIVE)/DELINQUENCY FEE	\$20	50% OF RENEWAL NOT TO EXCEED \$150
PSYCHOLOGIST/ DUPLICATE LICENSE FEE	\$5	\$5
CALIFORNIA PSYCHOLOGY LAWS AND ETHICS EXAMINATION (CPLÉE)	\$129	COST TO BOARD
PSYCHOLOGICAL ASSISTANT/APPLICATION FEE	\$40	\$75
PSYCHOLOGICAL ASSISTANT/ANNUAL RENEWAL FEE	\$40	\$75
PSYCHOLOGICAL ASSISTANT/DELINQUENCY FEE	\$20	50% OF RENEWAL NOT TO EXCEED \$150
REGISTERED PSYCHOLOGIST APPLICATION FEE	\$0	\$0
LICENSE VERIFICATION FEE	\$5	\$5

*Additional fees may be required. Refer to the Board laws and regulations for details.

**Included in the biennial renewal fee for an active psychologist is an additional \$30 in fees, which includes \$20 pursuant to Business and Professions Code section 2987.2 and \$10 pursuant to California Code of Regulations title 16, Division 13.1, section 1397.69.

***Included in the biennial renewal fee for an inactive psychologist is an additional \$20 fee pursuant to Business and Professions Code section 2987.2.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PSYCHOLOGICAL ASSISTANT	832	617	943
PSYCHOLOGIST	2,061	822	10,355
REGISTERED PSYCHOLOGIST	77	45	N/A
TOTAL	2,970	1,484	11,298

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
PSYCHOLOGICAL ASSISTANT	N/A	1,348	N/A
PSYCHOLOGIST	N/A	22,218	N/A
REGISTERED PSYCHOLOGIST	N/A	95	N/A
TOTAL	N/A	23,661	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PSYCHOLOGIST	EVERY 2 YEARS	36
PSYCHOLOGICAL ASSISTANT	EVERY YEAR	N/A
REGISTERED PSYCHOLOGIST	NON-RENEWABLE	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY (EPPP)	710	827	1537
CALIFORNIA PSYCHOLOGY LAWS AND ETHICS EXAMINATION (CPLEE)	802	310	1112

Summary of Enforcement Activity

Consumer Complaints—Intake	
1,055	RECEIVED
238	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
814	REFERRED FOR INVESTIGATION
147	PENDING

Conviction/Arrest Notification Complaints	
32	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
32	REFERRED FOR INVESTIGATION
3	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

Investigations	
846	OPENED
686	CLOSED
811	PENDING

Number of Days to Complete Intake and Investigations	
372	UP TO 90 DAYS
101	91 TO 180 DAYS
108	181 DAYS TO 1 YEAR
61	1 TO 2 YEARS
41	2 TO 3 YEARS
3	OVER 3 YEARS
114	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
82	ISSUED
81	ISSUED WITH A FINE
12	WITHDRAWN
0	DISMISSED
223	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$77,500	ASSESSED
\$6,000	REDUCED
\$61,500	COLLECTED

Criminal/Civil Actions	
1	REFERRALS FOR CRIMINAL/CIVIL ACTION
1	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

CALIFORNIA BOARD OF PSYCHOLOGY

Office of the Attorney General/Disciplinary Actions

63	CASES OPENED/INITIATED
46	CASES CLOSED
111	CASES PENDING

Number of Days to Complete Attorney General Cases

11	UP TO 1 YEAR
13	1 TO 2 YEARS
8	2 TO 3 YEARS
14	OVER 3 YEARS
645	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
38	ACCUSATIONS FILED
2	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
2	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
3	REVOCATION
15	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
13	PROBATION ONLY
8	PUBLIC REPRIMAND
0	OTHER DECISIONS
39	TOTAL

Petition for Modification or Termination of Probation

2	GRANTED
2	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
2	DENIED

Cost Recovery

\$425,345.77	ORDERED
\$55,732.95	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

4	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

114	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

158	AVERAGE NUMBER OF DAYS
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BUREAU OF REAL ESTATE APPRAISERS

Licenses and regulates real estate appraisers and registers appraisal management companies.

www.brea.ca.gov

STAFF:

28 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

10,034

BUREAU STAFF:

Chief: Angela Jemmott
angela.jemmott@brea.ca.gov

Deputy Chief: Loretta Dillon
loretta.dillon@brea.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 11300–11423

California Code of Regulations, title 10,
Chapter 6.5, §§ 3500–3761

United States Code, title 12, §§ 3331–3356

SUNSET REVIEW:

Last review: 2020 Next review: 2025

Bureau Highlights

RECIPROCITY

Pursuant to California Code of Regulations, Chapter 10, section 3569, the Bureau offers reciprocity when an appraiser has a valid license from a compliant state whose own requirements meet or exceed those of California at the time of application. Licenses are issued without additional examination, but the licensing fee is still required.

ACCOMPLISHMENTS

Sunset Review

The Bureau completed the sunset hearing, appearing before the Assembly Business and Professions Committee and Senate Business, Professions, and Economic Development Committee on November 19, 2020. The Bureau completed the sunset responses to issues raised and will have its next sunset hearing in 2025.

Information Technology Advancements

The Bureau developed a new component in its database for registered appraisal management companies (AMCs) to be placed on the AMC National Registry. The component includes a repository for the information submitted on the form and the interface between the database and the Appraisal Subcommittee's AMC National Registry. The Bureau's database and interface were ready to administer the new AMC National Registry by the June 1, 2021 deadline.

The Bureau was mandated to start registering AMCs on the AMC National Registry with the Appraisal Subcommittee. The Bureau developed the process to accommodate on-time registration as well as early registration. The AMC National Registry provides the public information on AMC's registration status and discipline to ensure public safety and transparency.

The Bureau upgraded its programming, database, and database web services applications. These upgrades allow the applications to better follow the software development life cycle process and allow the Bureau to continue providing improved performance and security in the future.

Regulation Promulgation

The Bureau established the AMC National Registry regulatory structure and eliminated unnecessary licensing requirements such as categorizing all experience hours. Additionally, the Bureau reduced experience hours needed to obtain a license to align with the federal level.

NEW LEGISLATION

AB 948 (Holden, Chapter 352, Statutes of 2021) enacts the Fair Appraisal Act and requires, after July 1, 2022, every contract for the sale of real property to contain a notice stating that the buyer is entitled to an unbiased appraisal of property and advising how to file a complaint with the Bureau. This bill requires the Bureau to update its complaint form and compile demographic information tracking these complaints and report to the Legislature by July 1, 2024. Beginning January 1, 2023, this bill requires Bureau applicants to complete at least one hour of instruction in cultural competency, and continuing education for license renewals will require cultural competency and bias elimination training.

SB 800 (Archuleta, Chapter 431, Statutes of 2021) extends the sunset date of the Bureau to January 1, 2026. The bill also removes gendered terms and updates references to the Bureau.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee*	Statutory Limit
TRAINEE (AT)		
INITIAL APPLICATION FEE	\$400	N/A
INITIAL LICENSE FEE	\$450	\$450
BACKGROUND FEE	\$70	N/A
DCSS FEE	\$10	N/A
TOTAL AT INITIAL LICENSE FEE	\$930	N/A
RENEWAL APPLICATION FEE	\$400	N/A
RENEWAL LICENSE FEE	\$450	\$450
TOTAL AT RENEWAL FEE	\$850	N/A

License Type	Actual Fee*	Statutory Limit
RESIDENTIAL (AL)		
INITIAL APPLICATION FEE	\$400	N/A
INITIAL LICENSE FEE	\$450	\$450
BACKGROUND FEE	\$70	N/A
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
DCSS FEE	\$10	N/A
TOTAL AL INITIAL LICENSE FEE	\$1,035	N/A
RENEWAL APPLICATION FEE	\$400	N/A
RENEWAL LICENSE FEE	\$450	\$450
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
TOTAL AL RENEWAL FEE	\$955	N/A
CERTIFIED RESIDENTIAL (AR)		
INITIAL APPLICATION FEE	\$400	N/A
INITIAL LICENSE FEE	\$525	\$525
BACKGROUND FEE	\$70	N/A
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
DCSS FEE	\$10	N/A
TOTAL AR INITIAL LICENSE FEE	\$1,110	N/A
RENEWAL APPLICATION FEE	\$400	N/A
RENEWAL LICENSE FEE	\$525	\$525
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
TOTAL AR RENEWAL FEE	\$1,030	N/A
CERTIFIED GENERAL (AG)		
INITIAL APPLICATION FEE	\$400	N/A
INITIAL LICENSE FEE	\$525	\$525
BACKGROUND FEE	\$70	N/A
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
DCSS FEE	\$10	N/A
TOTAL INITIAL AG LICENSE FEE	\$1,110	N/A
RENEWAL APPLICATION FEE	\$400	N/A
RENEWAL LICENSE FEE	\$525	\$525
FEDERAL REGISTRATION FEE	\$80	N/A
STATE REGISTRATION FEE	\$25	N/A
TOTAL AG RENEWAL FEE	\$1,030	N/A

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
APPRAISAL MANAGEMENT COMPANY (AMC)	25	25	73
CERTIFIED GENERAL	64	61	1,397
CERTIFIED RESIDENTIAL	53	43	2,623
RESIDENTIAL	51	30	450
TEMPORARY PRACTICE PERMITS	365	365	N/A
TRAINEE (BREA)	221	223	148
UPGRADE CERTIFIED GENERAL	26	29	N/A
UPGRADE CERTIFIED RESIDENTIAL	92	85	N/A
UPGRADE RESIDENTIAL	46	34	N/A
TOTAL	943	895	4,691

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
APPRAISAL MANAGEMENT COMPANY (AMC)	N/A	227	N/A
CERTIFIED GENERAL	N/A	2,829	N/A
CERTIFIED RESIDENTIAL	N/A	5,027	N/A
RESIDENTIAL	N/A	952	N/A
TEMPORARY PRACTICE PERMITS	365	N/A	N/A
TRAINEE (BREA)	N/A	634	N/A
UPGRADE CERTIFIED GENERAL	N/A	N/A	N/A
UPGRADE CERTIFIED RESIDENTIAL	N/A	N/A	N/A
UPGRADE RESIDENTIAL	N/A	N/A	N/A
TOTAL	365	9,669	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
LICENSEE	EVERY 2 YEARS	28
APPRAISAL MANAGEMENT COMPANY (AMC)	EVERY 2 YEARS	0
AMC CONTROLLING PERSON(S)	N/A	7
COURSE PROVIDER	EVERY 4 YEARS	0

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
RESIDENTIAL (AL) [31.5% PASSED]	57	124	181
CERTIFIED RESIDENTIAL (AR) [46.4% PASSED]	123	142	265
CERTIFIED GENERAL (AG) [49.0% PASSED]	70	73	143

Summary of Enforcement Activity

Consumer Complaints—Intake	
313	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
314	REFERRED FOR INVESTIGATION
1	PENDING

Conviction/Arrest Notification Complaints	
N/A	RECEIVED
N/A	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
N/A	REFERRED FOR INVESTIGATION
N/A	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
314	OPENED
279	CLOSED
167	PENDING

Number of Days to Complete Intake and Investigations	
145	UP TO 90 DAYS
14	91 TO 180 DAYS
64	181 DAYS TO 1 YEAR
54	1 TO 2 YEARS
1	2 TO 3 YEARS
1	OVER 3 YEARS
167	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
80	ISSUED
48	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
187	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

BUREAU OF REAL ESTATE APPRAISERS

Total Amount of Fines

\$119,000	ASSESSED
\$0	REDUCED
\$115,936	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

5	CASES OPENED/INITIATED
6	CASES CLOSED
4	CASES PENDING

Number of Days to Complete Attorney General Cases

3	UP TO 1 YEAR
2	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
442	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

0	STATEMENTS OF ISSUES FILED
4	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

2	LICENSE APPLICATIONS DENIED
3	REVOCATION
2	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
1	SUSPENSION ONLY
5	PROBATION ONLY
N/A	PUBLIC REPRIMAND
0	OTHER DECISIONS
14	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

1	GRANTED
0	DENIED

Cost Recovery

N/A	ORDERED
N/A	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
N/A	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

183	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

181	AVERAGE NUMBER OF DAYS
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Licenses and regulates registered nurses and evaluates them for certification in nursing specialties.

www.rn.ca.gov

STAFF:

238.8 civil servant positions

1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

576,415

BOARD MEMBERSHIP:

4 public representatives

5 licensees

BOARD STAFF:

Executive Officer: Loretta Melby, MSN, R.N.

loretta.melby@dca.ca.gov

Assistant Executive Officer: Evon Lenerd Tapps, MBA

evon.lenerd@dca.ca.gov

LAWS AND REGULATIONS:

Business and Profession Code §§ 2700–2838.4

California Code of Regulations, Division 14,
title 16, §§ 1402–1495.4

SUNSET REVIEW:

Last review: 2021 Next review: 2022

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 2732.1(b), the Board may issue a license upon written application to any individual, without examination, who is licensed or registered as a nurse in another state, district, or territory of the United States or Canada if they have qualifications equal to those required by the Board or have passed a comparable examination for licensure or registration and meet all other Board requirements.

ACCOMPLISHMENTS

Technological Advancements

In June 2021, the Board launched its new application status and details portal, which provides a view of the application process and status details. It also provides information regarding deficiencies. Additional features will be added to enhance the useability of this portal.

The Board prioritized licensing program paperless process improvements and now has fully paperless processes for all U.S. and advanced-practice application processes.

In March 2021, the Board launched a new phone system that uses up-to-date technology to respond to incoming calls. This system allows for enhanced data collection and features to provide better customer service. For example, the new phone system allows more calls to be offered to the Board, tracks the reason for the call, and gives Board staff the ability to enter related statistical data. The system can identify the number of times an individual calls using the same number and provides a call-back feature.

Website Enhancements

The Board, in partnership with DCA's Office of Information Services, added additional online services:

- Updates within BreEZe add the ability to request and submit payments for outgoing license verifications, copies of transcripts, copies of National Council Licensure Examination results, and employer verifications. The addition of these online requests and payment services eliminates mail and cashing time, and reduces the overall processing time frame.
- Applicants and licensees can now complete name changes online and upload all required documentation.
- BreEZe public license search results now reflect the licensee's method of licensure as either by "examination" or "endorsement" within the license details.

COVID-19 Waivers

The Board worked with the Department of Consumer Affairs on over 40 waivers resulting from the COVID-19 pandemic.

Legislative and Regulatory Implementation

The Board has worked diligently to implement new requirements and mandates from the Legislature and Governor Gavin Newsom. The Board received final approval of its AB 2138 (Chiu, Chapter 995, Statutes of 2018) regulatory package on May 20, 2021, from the Office of Administrative Law. This major regulatory package, regarding applicants with prior criminal convictions, required significant coordination with the Department of Consumer Affairs since 2019. The Board has also made progress over the first six months of 2021 in implementing other new legislative mandates.

The Board established a new Nurse Practitioner Advisory Committee in compliance with AB 890 (Wood, Chapter 265, Statutes of 2020). This new committee will advise and make recommendations to the Board regarding the regulation of nurse practitioners and the disciplinary actions against nurse practitioners. Similarly, the Board established a new Nurse Midwifery Advisory Committee in compliance with SB 1237 (Dodd, Chapter 88, Statutes of 2020). This committee will advise and make recommendations to the Board regarding the regulation of nurse midwifery. New members were appointed by the Board to these committees at the February and March 2021 Board meetings.

Finally, the Board implemented requirements of AB 2288 (Low, Chapter 282, Statutes of 2020), which allowed approved nursing programs and students flexibility to meet Board licensing requirements due to the COVID-19 pandemic. Within days of Governor Newsom signing the legislation, the Board sent notification to all program directors to make them aware of the new changes.

NEW LEGISLATION

AB 1015 (Rubio, Chapter 591, Statutes of 2021)

requires the Board to incorporate regional forecasts in its biennial nursing workforce analysis. It also requires the Board to develop a plan to address regional areas with nursing shortages and facilities that could offer clinical placement slots. The Board will also be required to collect, analyze, and report clinical placement data on its website.

AB 1407 (Burke, Chapter 445, Statutes of 2021)

requires nurses to complete one hour of training on implicit bias as part of their prelicensure education program. Beginning January 1, 2023, this bill requires nurses within the first two years immediately following their initial licensure to also complete implicit bias training as continuing education. The bill also requires hospitals to implement an evidence-based implicit bias program as part of their new graduate training.

AB 1532 (Committee on Business and Professions, Chapter 628, Statutes of 2021)

extends the sunset date of the Board from January 1, 2022, to January 1, 2023. Other notable provisions include extending existing authority that allows nursing services to be rendered by unlicensed individuals during a pandemic, and requiring the Board to prominently display information about the availability of temporary licenses on its website.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
REGISTERED NURSE		
APPLICATION BY EXAMINATION (CALIFORNIA GRADUATES)	\$300	\$1,000
APPLICATION BY EXAMINATION (U.S. GRADUATES)	\$350	\$1,000
APPLICATION BY EXAMINATION (INTERNATIONAL GRADUATES)	\$750	\$1,000
APPLICATION BY ENDORSEMENT (U.S. GRADUATES)	\$350	\$1,000
APPLICATION BY ENDORSEMENT (INTERNATIONAL GRADUATES)	\$750	\$1,500
BIENNIAL RENEWAL FEE***	\$190	\$750
PUBLIC HEALTH NURSE		
PUBLIC HEALTH NURSE APPLICATION FEE	\$300	\$1,000
NURSE PRACTITIONER		
NURSE PRACTITIONER APPLICATION FEE	\$500	\$1,500
NURSE PRACTITIONER FURNISHING APPLICATION FEE	\$400	\$1,500

* The program has additional license populations and fees that can be found in California Code of Regulations section 1417.

** Any licensee holding an advanced practitioner certificate must first have a California registered nursing license.

*** \$10 is assessed and collected for the Registered Nursing Education Fund pursuant to Business and Professions Code section 2815.1.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
CLINICAL NURSE SPECIALIST CERTIFICATE	94	61	1,564
CONTINUING EDUCATION PROVIDER (BRN)	148	124	1,004
INTERIM PERMIT	1,901	1,757	N/A
NURSE ANESTHETIST CERTIFICATE	235	213	1,261
NURSE MIDWIFE CERTIFICATE	74	73	639
NURSE MIDWIFE FURNISHING CERTIFICATE	76	62	495
NURSE PRACTITIONER CERTIFICATE	3,654	2,937	13,632
NURSE PRACTITIONER FURNISHING CERTIFICATE	3,176	2,708	12,339
PSYCHIATRIC MENTAL HEALTH CERTIFICATE	71	2	125
PUBLIC HEALTH NURSE CERTIFICATE	2,824	2,504	18,567
REGISTERED NURSE	41,573	28,035	214,223
TEMPORARY LICENSE (BRN)	7,064	3,887	N/A
EMERGENCY REGISTERED NURSE TEMPORARY LICENSE (BRN)	851	834	N/A
TOTAL	61,741	43,197	263,849

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
CLINICAL NURSE SPECIALIST CERTIFICATE	3,323	0	0
CONTINUING EDUCATION PROVIDER (BRN)	2,165	0	0
INTERIM PERMIT	995	0	0
NURSE ANESTHETIST CERTIFICATE	2,772	0	0
NURSE MIDWIFE CERTIFICATE	1,368	0	0
NURSE MIDWIFE FURNISHING CERTIFICATE	1,070	0	0
NURSE PRACTITIONER CERTIFICATE	29,699	0	0
NURSE PRACTITIONER FURNISHING CERTIFICATE	26,792	0	0
PSYCHIATRIC MENTAL HEALTH CERTIFICATE	219	0	0
PUBLIC HEALTH NURSE CERTIFICATE	38,616	0	0
REGISTERED NURSE	0	466,704	0
TEMPORARY LICENSE (BRN)	0	2,692	0
EMERGENCY R.N. TEMPORARY LICENSE (BRN)	0	0	0
TOTAL	107,019	469,396	0

BOARD OF REGISTERED NURSING

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
REGISTERED NURSE LICENSE	EVERY 2 YEARS	30
CLINICAL NURSE SPECIALIST CERTIFICATE	EVERY 2 YEARS	0
NURSE ANESTHETIST CERTIFICATE	EVERY 2 YEARS	0
NURSE MIDWIFE CERTIFICATE	EVERY 2 YEARS	0
NURSE MIDWIFE PRACTITIONER CERTIFICATE	EVERY 2 YEARS	0
NURSE PRACTITIONER CERTIFICATE	EVERY 2 YEARS	0
NURSE PRACTITIONER FURNISHING CERTIFICATE	EVERY 2 YEARS	0
PSYCHIATRIC MENTAL HEALTH CERTIFICATE	EVERY 2 YEARS	0
PUBLIC HEALTH NURSE CERTIFICATE	EVERY 2 YEARS	0
CONTINUING EDUCATION PROVIDER	EVERY 2 YEARS	0
SCHOOL/PROGRAM APPROVALS	EVERY 5 YEARS	0

Exams Results

EXAM TITLE	PASS	FAIL	TOTAL
NCLEX	13,379	5,361	18,480

Summary of Enforcement Activity

Consumer Complaints—Intake

4,733	RECEIVED
7	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
4,635	REFERRED FOR INVESTIGATION
115	PENDING

Conviction/Arrest Notification Complaints

3,023	RECEIVED
1	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
2,971	REFERRED FOR INVESTIGATION
30	PENDING

Inspections

N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations

7,606	OPENED
7,246	CLOSED
2,805	PENDING

Number of Days to Complete Intake and Investigations

5,244	UP TO 90 DAYS
575	91 TO 180 DAYS
711	181 DAYS TO 1 YEAR
606	1 TO 2 YEARS
96	2 TO 3 YEARS
14	OVER 3 YEARS
106	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

144	ISSUED
144	ISSUED WITH A FINE
5	WITHDRAWN
3	DISMISSED
308	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$82,075	ASSESSED
\$750	REDUCED
\$140,358.15	COLLECTED

Criminal/Civil Actions

54	REFERRALS FOR CRIMINAL/CIVIL ACTION
13	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

997	CASES OPENED/INITIATED
1,010	CASES CLOSED
743	CASES PENDING

Number of Days to Complete Attorney General Cases

279	UP TO 1 YEAR
373	1 TO 2 YEARS
249	2 TO 3 YEARS
109	OVER 3 YEARS
697	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

23	STATEMENTS OF ISSUES FILED
630	ACCUSATIONS FILED
9	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
7	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
93	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

2	LICENSE APPLICATIONS DENIED
200	REVOCATION
134	SURRENDER OF LICENSE
31	PROBATION WITH SUSPENSION
1	SUSPENSION ONLY
259	PROBATION ONLY
114	PUBLIC REPRIMAND
4	OTHER DECISIONS
745	TOTAL

Petition for Modification or Termination of Probation

127	GRANTED
15	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

61	GRANTED
14	DENIED

Cost Recovery

\$2,887,048.49	ORDERED
\$942,841.47	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
N/A	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

10	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

101	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

376	AVERAGE NUMBER OF DAYS
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Licenses and regulates respiratory care practitioners.

www.rcb.ca.gov

STAFF:

16.4 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

23,732

BOARD MEMBERSHIP:

4 public representatives
4 licensees
1 licensed physician and surgeon

BOARD STAFF:

Executive Officer: Stephanie Nunez
stephanie.nunez@dca.ca.gov

Assistant Executive Officer: Christine Molina
christine.molina@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 3700–3779

California Code of Regulations, Division 13.6,
title 16, §§1399.300–1399.395

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 3735, the Board recognizes and accepts the National Board for Respiratory Care's registered respiratory therapist credential in lieu of passage of the state licensing examinations. However, education requirements must also be met and background checks performed prior to license issuance. Further, verification of licensure, including discipline history, is required from each state where the applicant has been licensed.

ACCOMPLISHMENTS

The Board accomplished several goals in fiscal year 2020–21 to support consumers, licensees, and applicants interested in the respiratory care field:

The Board initiated the development of an action plan to incorporate a baccalaureate degree provision in the Respiratory Care Practice Act to ensure education requirements meet the demand of the respiratory care field.

In addition, the Board increased BreEZe functionality for stakeholders by launching an online version of the initial application for licensure, implementing email notifications for applicants and licensees, and establishing a new "attachment" feature for electronic submission of documents.

The Board also re-established distribution of its annual e-newsletter "Breathing Matters" to keep licensees informed of current Board issues and activities.

To guide the Board's preparedness in workforce and leadership continuity, the Board developed and approved a comprehensive succession plan.

As an aid to licensees, the Board developed a "License Renewal Fee Outlook" document. This document was distributed with all renewal applications to educate licensees about the numerous variables that affect the biennial license fee for each board and provide a summary of where fees are applied.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
APPLICATION FEE	\$300	\$300
EXAMINATION FEE	\$190 - \$390	ACTUAL COST
BIENNIAL RENEWAL FEE	\$330	\$330

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
RESPIRATORY CARE PRACTITIONER	1,538	1,175	9,841
TOTAL	1,538	1,175	9,841

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
RESPIRATORY CARE PRACTITIONER	N/A	23,732	N/A
TOTAL	N/A	23,732	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
RESPIRATORY CARE PRACTITIONER	BIENNIAL	30

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
THERAPIST MULTIPLE CHOICE	873	272	1,145
CLINICAL SIMULATION EXAMINATION	689	339	1,028

Summary of Enforcement Activity

Consumer Complaints—Intake	
319	RECEIVED
45	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
274	REFERRED FOR INVESTIGATION
1	PENDING

Conviction/Arrest Notification Complaints	
380	RECEIVED
6	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
374	REFERRED FOR INVESTIGATION
1	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
648	OPENED
658	CLOSED
136	PENDING

Number of Days to Complete Intake and Investigations	
545	UP TO 90 DAYS
69	91 TO 180 DAYS
29	181 DAYS TO 1 YEAR
15	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
56	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
36	ISSUED
36	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
81	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$16,760	ASSESSED
\$110	REDUCED
\$12,885	COLLECTED

RESPIRATORY CARE BOARD OF CALIFORNIA

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

31	CASES OPENED/INITIATED
42	CASES CLOSED
19	CASES PENDING

Number of Days to Complete Attorney General Cases

31	UP TO 1 YEAR
10	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
442	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
28	ACCUSATIONS FILED
1	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
9	REVOCATION
4	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
18	PROBATION ONLY
1	PUBLIC REPRIMAND
0	OTHER DECISIONS
33	TOTAL

Petition for Modification or Termination of Probation

3	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

1	GRANTED
0	DENIED

Cost Recovery

\$234,234	ORDERED
\$106,721	COLLECTED

Restitution to Consumers/Refunds/Savings

N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

56	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

288	AVERAGE NUMBER OF DAYS
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Licenses and regulates security guards, proprietary private security employers and officers, private investigators, alarm companies and employees, locksmith companies and locksmiths, private patrol operators, and repossession agencies and their employees. The Bureau also has jurisdiction over firearm and baton training facilities and their instructors.

www.bsis.ca.gov

STAFF:

75.5 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

415,847

COMMITTEE MEMBERSHIP:

6 public representatives (Advisory)
7 industry representatives (Advisory)
10 public representatives (Disciplinary Review)
15 industry representatives (Disciplinary Review)

BUREAU STAFF:

Bureau Chief: Lynne Andres
lynne.andres@dca.ca.gov

Deputy Chief–Licensing: Gloriela Garcia
gloriela.garcia@dca.ca.gov

Deputy Chief–Enforcement: Samuel Stodolski
samuel.stodolski@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 6980–6981;
§§ 7500–7599.80

California Code of Regulations, Division 7,
title 16, §§ 600–645

SUNSET REVIEW:

Last review: 2019 Next review: 2023

Bureau Highlights

RECIPROCITY

The Bureau does not have reciprocity.

ACCOMPLISHMENTS

Legislative and Regulatory Implementation

The Bureau released the new enhanced and redesigned photo pocket cards for private investigators in accordance with Senate Bill 385 (Jones, Chapter 326, Statutes of 2019). The pocket cards are also available for these license types: alarm company qualified managers, alarm company employees, locksmith employees, reposessor agents, reposessor qualified managers, and security guards.

The Bureau’s rulemaking package for Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) was approved by the Office of Administrative Law on June 1, 2021. This major regulatory package regarding applicants with prior criminal convictions required significant coordination with the Department of Consumer Affairs since 2019.

Licensing Improvements

The Bureau released a new BreEZe feature that allows those applying for an initial firearms permit or renewing an existing firearms permit to view their deficiencies on their BreEZe profile and not wait for the Bureau to mail them a deficiency letter.

The Bureau met its licensing performance measures (application processing times) 90% of the time in 2020–21 versus 80% in 2019–20.

The Bureau continued the firearms assessment for security guards applying for a firearms permit to determine whether individuals possess, at the time of the assessment, appropriate judgment, restraint, and self-control for the purposes of carrying a firearm during the course of their security guard duties. In 2020–21, 8,863 applicants completed the firearms assessment with a passage rate of 85.5%.

Military Application Program

In 2020–21, the Bureau processed 13,338 applications identified as belonging to a current or former member of the U.S. military, which brings the total number of applications processed since the inception of the Bureau’s Veterans Come First Program in 2012 to 77,537. Through this program, the Bureau provides priority services to veteran applicants via a dedicated email account and specifically assigned staff to assist military members during the licensing process.

Enforcement

Bureau enforcement staff continued to reduce the investigation cycle time from an average of 111 days to 79 days in keeping with the Department of Consumer Affairs' Enforcement Performance Measures. Complaint resolution staff also negotiated \$70,922 in savings on behalf of consumers.

Outreach

In response to consumer and industry comments, Bureau Chief Lynne Andres initiated a weekly email through Listserv informing the public of licenses that were revoked or suspended.

NEW LEGISLATION

AB 229 (Holden, Chapter 697, Statutes of 2021)

expands, after January 1, 2023, the power to arrest training and training in the carrying and use of firearms to include topics on the appropriate use of force. Specified licensees of the Bureau are required to complete the training prior to being issued a registration or firearms permit. This bill clarifies who may employ armed security guards, clarifies training and record retention requirements, and makes amendments to provisions surrounding the submission of a written report.

AB 484 (Medina, Chapter 373, Statutes of 2021)

updates the existing requirement that alarm company advertisements include the licensee's name and license number to better reflect modern forms of advertisement. All advertisements will be required to provide the licensee's name and license number or direct them to a landing page on the licensee's website containing that information.

AB 913 (Smith, Chapter 416, Statutes of 2021)

redefines specified terms in the Collateral Recovery Act, including "deadly weapon," "legal owner," and "repossession." This bill also requires instruments or weapons, other than a firearm, to be inventoried and disposed of in a reasonable and safe manner and requires a repossession agency to receive written authorization from a debtor allowing a third party to take possession of their belongings. Lastly, this bill makes other minor, technical, and nonsubstantive changes to the Collateral Recovery Act.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y*
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y*
EXAMINATION	Y*
CONTINUING EDUCATION/COMPETENCY	Y*
FINGERPRINT REQUIREMENT	Y*

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
LOCKSMITH		
INITIAL APPLICATION FEE	\$250	\$275
INITIAL LICENSE FEE	\$250	\$275
TOTAL INITIAL LICENSE FEE	\$500	\$550
BIENNIAL RENEWAL FEE	\$500	\$550
BRANCH OFFICE/INITIAL BRANCH FEE	\$250	\$275
BRANCH OFFICE/BIENNIAL RENEWAL FEE	\$150	\$165
EMPLOYEE/INITIAL APPLICATION FEE	\$55	\$60
EMPLOYEE/BIENNIAL RENEWAL FEE	\$40	\$44
PRIVATE INVESTIGATOR		
INITIAL APPLICATION AND EXAMINATION FEE	\$340	\$374
INITIAL LICENSE FEE	\$385	\$424
TOTAL INITIAL LICENSE FEE	\$725	\$798
BIENNIAL RENEWAL FEE	\$265	\$292
BRANCH OFFICE/INITIAL BRANCH FEE	\$90	\$99
BRANCH OFFICE/BIENNIAL RENEWAL FEE	\$65	\$72
PRIVATE PATROL OPERATOR		
INITIAL APPLICATION AND EXAMINATION FEE	\$550	\$605
INITIAL LICENSE FEE	\$770	\$847
TOTAL INITIAL LICENSE FEE	\$1,320	\$1,452
BIENNIAL RENEWAL FEE	\$900	\$990
BRANCH OFFICE/INITIAL BRANCH FEE	\$250	\$275
BRANCH OFFICE/BIENNIAL RENEWAL FEE	\$150	\$165
SECURITY GUARD		
INITIAL APPLICATION FEE	\$55	\$60
BIENNIAL RENEWAL FEE	\$40	\$44
FIREARMS PERMIT		
INITIAL APPLICATION	\$100	\$110
BIENNIAL RENEWAL	\$80	\$88
FIREARM TRAINING INSTRUCTOR		
INITIAL APPLICATION FEE	\$350	\$385
BIENNIAL RENEWAL FEE	\$300	\$330

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

License Type	Actual Fee	Statutory Limit
FIREARM TRAINING FACILITY		
INITIAL APPLICATION FEE	\$800	\$880
BIENNIAL RENEWAL FEE	\$750	\$825
BATON PERMIT		
INITIAL APPLICATION FEE	\$60	\$66
BIENNIAL RENEWAL FEE	N/A	N/A
BATON TRAINING INSTRUCTOR		
INITIAL APPLICATION FEE	\$350	\$385
BIENNIAL RENEWAL FEE	\$275	\$303
BATON TRAINING FACILITY		
INITIAL APPLICATION FEE	\$700	\$770
BIENNIAL RENEWAL FEE	\$550	\$605
PROPRIETARY PRIVATE SECURITY EMPLOYER		
INITIAL APPLICATION FEE	\$350	\$385
BIENNIAL RENEWAL FEE	\$350	\$385
PROPRIETARY PRIVATE SECURITY OFFICER		
INITIAL APPLICATION FEE	\$55	\$60
BIENNIAL RENEWAL FEE	\$40	\$44
ALARM COMPANY OPERATOR		
INITIAL APPLICATION FEE	\$370	\$407
INITIAL LICENSE FEE	\$600	\$660
TOTAL LICENSE FEE	\$970	\$1,067
BIENNIAL RENEWAL FEE	\$750	\$825
ALARM COMPANY OPERATOR QUALIFIED MANAGER		
INITIAL APPLICATION AND EXAMINATION FEE	\$350	\$385
BIENNIAL RENEWAL FEE	\$225	\$248
ALARM COMPANY OPERATOR BRANCH OFFICE		
INITIAL APPLICATION FEE	\$250	\$275
BIENNIAL RENEWAL FEE	\$150	\$165
ALARM AGENT		
INITIAL APPLICATION FEE	\$55	\$60
BIENNIAL RENEWAL FEE	\$40	\$44
REPOSSESSION AGENCY		
INITIAL LICENSE FEE	\$970	\$1,067
LICENSE RENEWAL FEE	\$750	\$825
REPOSSESSION AGENCY QUALIFIED MANAGER		
INITIAL APPLICATION AND EXAMINATION FEE	\$350	\$385
LICENSE RENEWAL FEE	\$225	\$248
REPOSSESSION AGENCY EMPLOYEE		
INITIAL APPLICATION FEE	\$75	\$82
REGISTRATION RENEWAL FEE	\$40	\$44

*Additional fees may be required. Refer to laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ALARM COMPANY EMPLOYEE REGISTRATION	4,640	4,064	4,195
ALARM COMPANY OPERATOR	120	47	833
ALARM COMPANY OPERATOR BRANCH	40	33	93
ALARM COMPANY QUALIFIED MANAGER	56	45	824
BATON PERMIT	2,947	3,411	N/A
FIREARM PERMIT	12,694	7,666	14,426
LOCKSMITH COMPANY OPERATOR	266	169	954
LOCKSMITH EMPLOYEE REGISTRATION	293	224	837
LOCKSMITH BRANCH	23	17	12
PRIVATE INVESTIGATOR	344	212	3,604
PRIVATE INVESTIGATOR BRANCH	31	31	61
PRIVATE PATROL OPERATOR	658	294	1,158
PRIVATE PATROL OPERATOR BRANCH	96	77	153
PROPRIETARY PRIVATE SECURITY EMPLOYER	145	48	256
PROPRIETARY PRIVATE SECURITY OFFICER	1,916	1,183	1,500
REPOSSESSION AGENCY	42	36	104
REPOSSESSION AGENCY EMPLOYEE	127	98	200
REPOSSESSION AGENCY QUALIFIED MANAGER	10	7	140
SECURITY GUARD	65,176	57,818	89,518
TRAINING FACILITY (BATON)	22	14	66
TRAINING FACILITY (FIREARM)	35	28	140
TRAINING INSTRUCTOR (BATON)	27	19	77
TRAINING INSTRUCTOR (FIREARM)	73	43	237
TOTAL	89,781	75,584	119,388

*Baton permits are not subject to renewals.

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
ALARM COMPANY EMPLOYEE REGISTRATION	N/A	16,824	N/A
ALARM COMPANY OPERATOR	N/A	1,727	N/A
ALARM COMPANY OPERATOR BRANCH	264	N/A	N/A
ALARM COMPANY QUALIFIED MANAGER	N/A	1,791	N/A
BATON PERMIT	34,448	N/A	N/A
FIREARM PERMIT	39,232	N/A	N/A
LOCKSMITH COMPANY OPERATOR	N/A	2,136	N/A

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
LOCKSMITH EMPLOYEE REGISTRATION	N/A	2,066	N/A
LOCKSMITH BRANCH	61	N/A	N/A
PRIVATE INVESTIGATOR		7,896	N/A
PRIVATE INVESTIGATOR BRANCH	162	N/A	N/A
PRIVATE PATROL OPERATOR	N/A	2,492	N/A
PRIVATE PATROL OPERATOR BRANCH	369	N/A	N/A
PROPRIETARY PRIVATE SECURITY EMPLOYER	N/A	564	N/A
PROPRIETARY PRIVATE SECURITY OFFICER	N/A	6,046	N/A
REPOSSESSION AGENCY	N/A	254	N/A
REPOSSESSION AGENCY EMPLOYEE	N/A	552	N/A
REPOSSESSION AGENCY QUALIFIED MANAGER	N/A	256	N/A
SECURITY GUARD	N/A	297,396	N/A
TRAINING FACILITY (BATON)	164	N/A	N/A
TRAINING FACILITY (FIREARM)	333	N/A	N/A
TRAINING INSTRUCTOR (BATON)	202	N/A	N/A
TRAINING INSTRUCTOR (FIREARM)	612	N/A	N/A
TOTAL	75,847	340,000	N/A

*Baton permits are not subject to renewals.

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
ALARM COMPANY OPERATOR—BRANCH	EVERY 2 YEARS	N/A
ALARM COMPANY EMPLOYEE REGISTRATION	EVERY 2 YEARS	N/A
ALARM COMPANY OPERATOR	EVERY 2 YEARS	N/A
ALARM COMPANY QUALIFIED MANAGER	EVERY 2 YEARS	N/A
BATON PERMIT***	N/A	N/A
FIREARM PERMIT*	EVERY 2 YEARS	8
SECURITY GUARD REGISTRATION	EVERY 2 YEARS	16
LOCKSMITH—BRANCH	EVERY 2 YEARS	N/A
LOCKSMITH COMPANY OPERATOR	EVERY 2 YEARS	N/A
LOCKSMITH EMPLOYEE REGISTRATION	EVERY 2 YEARS	N/A
PRIVATE INVESTIGATOR	EVERY 2 YEARS	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
PRIVATE INVESTIGATOR—BRANCH	EVERY 2 YEARS	N/A
PRIVATE PATROL OPERATOR—BRANCH	EVERY 2 YEARS	N/A
PRIVATE PATROL OPERATOR	EVERY 2 YEARS	N/A
PROPRIETARY PRIVATE SECURITY EMPLOYER	EVERY 2 YEARS	N/A
PROPRIETARY PRIVATE SECURITY OFFICER	EVERY 2 YEARS	4
REPOSSESSION AGENCY**	EVERY 2 YEARS	N/A
REPOSSESSION AGENCY EMPLOYEE**	EVERY 2 YEARS	N/A
REPOSSESSION AGENCY QUALIFIED MANAGER**	EVERY 2 YEARS	N/A
TRAINING FACILITY—BATON	EVERY 2 YEARS	N/A
TRAINING FACILITY—FIREARM	EVERY 2 YEARS	N/A
TRAINING INSTRUCTOR—BATON	EVERY 2 YEARS	N/A
TRAINING INSTRUCTOR—FIREARM	EVERY 2 YEARS	N/A

*Includes 4 range qualifications and 8 hours of continuing education.

**Initial renewal frequency is 1 year; thereafter, renewal is every 2 years.

***Not subject to renewal.

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
ALARM COMPANY QUALIFIED MANAGER	43	24	67
FIREARMS PERMIT ASSESSMENT	7,550	1,275	8,825
PRIVATE INVESTIGATOR QUALIFIED MANAGER	168	106	274
PRIVATE PATROL QUALIFIED MANAGER	222	253	475
REPOSSESSION AGENCY QUALIFIED MANAGER	6	2	8

Summary of Enforcement Activity

Consumer Complaints—Intake	
2,822	RECEIVED
396	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
2,813	REFERRED FOR INVESTIGATION
16	PENDING

Conviction/Arrest Notification Complaints	
20,820	RECEIVED
17,371	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
3,449	REFERRED FOR INVESTIGATION
45	PENDING

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Inspections

191	CONDUCTED
15	CITATIONS ISSUED

Investigations

6,262	OPENED
6,037	CLOSED
2,322	PENDING

Number of Days to Complete Intake and Investigations

4,986	UP TO 90 DAYS
503	91 TO 180 DAYS
272	181 DAYS TO 1 YEAR
208	1 TO 2 YEARS
62	2 TO 3 YEARS
6	OVER 3 YEARS
81	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

108	ISSUED
108	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
241	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$299,900	ASSESSED
\$11,250	REDUCED
\$90,950	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

471	CASES OPENED/INITIATED
482	CASES CLOSED
397	CASES PENDING

Number of Days to Complete Attorney General Cases

283	UP TO 1 YEAR
177	1 TO 2 YEARS
22	2 TO 3 YEARS
0	OVER 3 YEARS
372	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

398	STATEMENTS OF ISSUES FILED
40	ACCUSATIONS FILED
8	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
198	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
4	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

3,758	LICENSE APPLICATIONS DENIED
103	REVOCATION
2	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
404	SUSPENSION ONLY
16	PROBATION ONLY
0	PUBLIC REPRIMAND
5	OTHER DECISIONS
4,288	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

0	GRANTED
1	DENIED

Cost Recovery

\$28,803.54	ORDERED
\$18,755.67	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$26,248	AMOUNT REFUNDED
\$2,284	REWORK AT NO CHARGE
\$42,390	ADJUSTMENTS/RETURNS/EXCHANGES
\$70,922	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

6	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

79	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

348	AVERAGE NUMBER OF DAYS
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SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Licenses and regulates speech-language pathology assistants, audiologists, and hearing aid dispensers.

www.speechandhearing.ca.gov

STAFF:

11.6 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

35,961

BOARD MEMBERSHIP:

3 public representatives
6 licensees

BOARD STAFF:

Executive Officer: Paul Sanchez
paul.sanchez@dca.ca.gov

Assistant Executive Officer: Cherise Burns
cherise.burns@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2530–2539.14

California Code of Regulations, Division 13.3,
title 16, §§ 1399.100–1399.144

California Code of Regulations, Division 13.4,
title 16, §§ 1399.150–1399.199.14

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

The Board continued to mobilize a proactive and robust response to the COVID-19 pandemic by successfully advocating for and securing approval of the continued extension of four Department of Consumer Affairs waivers relevant to the Board and its registrants and licensees. These waivers allowed licensees and registrants to continue providing necessary speech and hearing services to consumers during the pandemic.

Business Modernization

In coordination with DCA's Office of Information Services and Organizational Improvement Office, the Board continued its Business Modernization Project efforts to develop an information technology solution that will transition the Board from its existing legacy databases to a more efficient system. The new system will provide access for licensees and applicants to apply for licensure online and complete online transactions. In 2020, the Board received budgetary authority to proceed with the project and an analyst position to address the increased workload during the development and transition to the system. The Board has now completed Stages 1 (Business Analysis) and 2 (Alternative Analysis) of the California Department of Technology's Project Approval Lifecycle (PAL). The Board has begun Stage 3 (Solution Development) of the process and will continue to complete the last two required PAL stages in 2021.

Exams

After having to cancel most of its 2020 hearing aid dispenser practical examinations due to the pandemic, examinations resumed in October 2020 with robust safety and sanitation precautions. Board staff used larger examination rooms and used sanitation measures as required by state health and safety guidelines. The Board conducted a total of 170 practical hearing aid dispenser examinations in fiscal year 2020–21.

Licensing

The Board met or exceeded license application processing targets of all license types, issued 3,703 licenses, and processed 13,660 license renewals. Most of the Board's 7,133 license renewals were processed online. Since the online renewal program began, online renewals have increased from 2% to 51%.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Outreach

Board staff continued outreach efforts by providing educational presentations to two professional associations and two graduate programs, emphasizing consumer protection, licensing laws, and the Board's enforcement program. The Board's executive officer was interviewed and featured in Convey magazine, a quarterly publication of the California Speech Language Hearing Association. Board staff also met with all California university communication science disorders program administrators to discuss and troubleshoot licensing issues.

Regulatory Changes

The Board finalized regulations implementing Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018). The rulemaking package was approved by the Office of Administrative Law on May 7, 2021, and became effective on May 7, 2021.

Strategic Plan

On February 5, 2021, the Board completed and approved its 2021–2024 Strategic Plan. The plan was developed with input from internal and external stakeholders to formulate the goals that will direct the Board to effectively carry out its mission of consumer protection while ensuring efficient operations in licensing, enforcement, outreach and communication, laws and regulations, and administration.

NEW LEGISLATION

AB 435 (Mullin, Chapter 266, Statutes of 2021) requires hearing aid dispensers and licensed dispensing audiologists to provide a written notice to consumers who purchase hearing aids that use proprietary or locked programming software. This notice is required to state that these hearing aids use proprietary software and can only be serviced or programmed at specific facilities or locations. Consumers must sign the notice prior to the completion of a sale.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y*
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y*
EXAMINATION	Y*
CONTINUING EDUCATION/COMPETENCY	Y*
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
AIDE (AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY)	\$10	\$30
AUDIOLOGIST		
BIENNIAL RENEWAL	\$110	\$150
INITIAL APPLICATION AND LICENSE	\$60	\$150
REQUIRED PROFESSIONAL EXPERIENCE TEMPORARY LICENSE		
EXTENSION APPLICATION	\$35	\$35
INITIAL APPLICATION AND TEMPORARY LICENSE	\$60	\$150
SPEECH-LANGUAGE PATHOLOGIST		
BIENNIAL RENEWAL	\$110	\$150
INITIAL APPLICATION AND LICENSE	\$60	\$150
SPEECH-LANGUAGE PATHOLOGY ASSISTANT		
BIENNIAL RENEWAL	\$75	\$150
INITIAL APPLICATION AND REGISTRATION	\$50	\$100
BRANCH LICENSE		
ANNUAL RENEWAL	\$25	\$25
INITIAL APPLICATION	\$25	\$25
DISPENSING AUDIOLOGIST		
ANNUAL RENEWAL	\$280	\$280
INITIAL APPLICATION AND LICENSE	\$280	\$280
HEARING AID DISPENSER		
ANNUAL RENEWAL	\$280	\$280
INITIAL APPLICATION	\$75	\$75
TEMPORARY LICENSE (INITIAL APPLICATION)	\$175	\$175
WRITTEN EXAMINATION FEE	\$225	ACTUAL COST
PRACTICAL EXAMINATION FEE	\$500	ACTUAL COST
HEARING AID DISPENSER TRAINEE		
INITIAL APPLICATION	\$175	\$175
RENEWAL—MAY BE RENEWED TWICE	\$100	\$100
CONTINUING EDUCATION COURSE		
APPROVAL	\$50	\$50
CONTINUING PROFESSIONAL DEVELOPMENT		
PROVIDER	\$200	\$200
RENEWAL FEE	\$200	\$200

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
AIDE	36	22	0
AUDIOLOGIST	41	70	238
BRANCH	251	249	622
DISPENSING AUDIOLOGIST	31	24	1,083
HEARING AID DISPENSER	151	55	1,080
HEARING AID DISPENSER TEMPORARY-LICENSED IN ANOTHER STATE	12	11	0
HEARING AID DISPENSER TRAINEE	95	93	144
PROFESSIONAL DEVELOPMENT PROVIDER	15	13	60
REQUIRED PROFESSIONAL EXPERIENCE	1,055	1,039	0
SPEECH-LANGUAGE PATHOLOGIST	1,790	1,621	8,659
SPEECH-LANGUAGE PATHOLOGY ASSISTANT	551	505	1,774
AUDIOLOGIST TEMPORARY- LICENSED IN ANOTHER STATE	1	1	0
SPEECH-LANGUAGE PATHOLOGIST TEMPORARY- LICENSED IN ANOTHER STATE	0	0	0
TOTAL	4,029	3,703	13,660

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
AIDE	N/A	290	N/A
AUDIOLOGIST	N/A	830	N/A
BRANCH	N/A	1,141	N/A
DISPENSING AUDIOLOGIST	N/A	1,375	N/A
HEARING AID DISPENSER	N/A	1,398	N/A
HEARING AID DISPENSER TEMPORARY-LICENSED IN ANOTHER STATE	N/A	47	N/A
HEARING AID DISPENSER TRAINEE	N/A	243	N/A
PROFESSIONAL DEVELOPMENT PROVIDER	N/A	156	N/A
REQUIRED PROFESSIONAL EXPERIENCE	N/A	1,626	N/A
SPEECH-LANGUAGE PATHOLOGIST	N/A	23,309	N/A
SPEECH-LANGUAGE PATHOLOGY ASSISTANT	N/A	5,538	N/A
AUDIOLOGIST TEMPORARY-LICENSED IN ANOTHER STATE	N/A	8	N/A

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
SPEECH-LANGUAGE PATHOLOGIST TEMPORARY-LICENSED IN ANOTHER STATE	N/A	0	N/A
TOTAL	N/A	35,961	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
SPEECH-LANGUAGE PATHOLOGIST	EVERY 2 YEARS	24
SPEECH-LANGUAGE PATHOLOGY ASSISTANT	EVERY 2 YEARS	12
AUDIOLOGIST	EVERY 2 YEARS	24
DISPENSING AUDIOLOGIST	ANNUALLY	12
AIDE	N/A	N/A
REQUIRED PROFESSIONAL EXPERIENCE	N/A	N/A
PROFESSIONAL DEVELOPMENT PROVIDER	EVERY 2 YEARS	N/A
HEARING AID DISPENSER	ANNUALLY	12
HEARING AID DISPENSER TRAINEE	MAX. TWICE, 6 MONTHS EACH	N/A
HEARING AID DISPENSER TEMPORARY LICENSE	N/A	N/A
BRANCH LICENSE	ANNUALLY	N/A

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
HEARING AID DISPENSERS WRITTEN EXAMINATION	119	51	170
HEARING AID DISPENSERS PRACTICAL EXAMINATION	85	57	142

Summary of Enforcement Activity

Consumer Complaints—Intake	
91	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
89	REFERRED FOR INVESTIGATION
3	PENDING

Conviction/Arrest Notification Complaints	
45	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
42	REFERRED FOR INVESTIGATION
3	PENDING

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Inspections

0	CONDUCTED
0	CITATIONS ISSUED

Investigations

131	OPENED
200	CLOSED
223	PENDING

Number of Days to Complete Intake and Investigations

47	UP TO 90 DAYS
20	91 TO 180 DAYS
40	181 DAYS TO 1 YEAR
57	1 TO 2 YEARS
33	2 TO 3 YEARS
3	OVER 3 YEARS
398	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

7	ISSUED
7	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
406	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$3,700	ASSESSED
\$1,450	REDUCED
\$3,200	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

8	CASES OPENED/INITIATED
4	CASES CLOSED
21	CASES PENDING

Number of Days to Complete Attorney General Cases

0	UP TO 1 YEAR
1	1 TO 2 YEARS
2	2 TO 3 YEARS
1	OVER 3 YEARS
932	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

2	STATEMENTS OF ISSUES FILED
8	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

3	LICENSE APPLICATIONS DENIED
2	REVOCATION
3	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
1	PROBATION ONLY
0	PUBLIC REPRIMAND
1	OTHER DECISIONS
10	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
0	DENIED

Cost Recovery

\$13,747.50	ORDERED
\$12,754.27	COLLECTED

Restitution to Consumers/Refunds/Savings

\$695	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$695	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

1	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

397	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

537	AVERAGE NUMBER OF DAYS
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Licenses and regulates fumigators, pest control companies, pest management professionals, and structural pesticide applicators.

www.pestboard.ca.gov

STAFF:

28.5 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

30,016

BOARD MEMBERSHIP:

4 public representatives
3 licensees

BOARD STAFF:

Executive Officer: Susan Saylor
susan.saylor@dca.ca.gov

Assistant Executive Officer: Robert Lucas
robert.lucas@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 8500–8697.4
California Code of Regulations, Division 19,
title 16, §§ 1900–1999.5

SUNSET REVIEW:

Last review: 2018 Next review: 2023

Board Highlights

RECIPROCITY

The Board does not have reciprocity.

ACCOMPLISHMENTS

Updated Examinations

The Board continued to work with the Department of Consumer Affairs Office of Professional Examination Services on the creation and introduction of new licensing examinations and occupational analyses. During fiscal year 2020–21, the Board debuted two new applicator examinations, three new field representative examinations, and three new operator examinations. These updated examinations reflect current industry best practices and help ensure licensees offer high-quality service to California consumers.

Strategic Planning and Outreach

Board staff published a comprehensive *Board Member Procedure Manual* to assist and inform new Board members during the onboarding process. In addition, in 2021 the Board published an updated booklet containing the Structural Pest Control Act and the rules and regulations that includes all applicable statutes, regulations, and documents incorporated by reference.

In coordination with DCA's SOLID Training and Planning Solutions unit, the Board began the strategic planning process with the goal of adopting a strategic plan for 2022 through 2027.

Research Projects

The Board continued its support of the following research projects selected for funding at its July 2018 Board meeting:

- "Improving Urban Pest Ants Management by Low Impact IPM Strategies."
- "Development and Evaluation of Baiting Strategies for Control of Pest Yellowjackets in California."
- "Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait."
- "Diet and Colony Structure of Two Emerging Invasive Pest Ants."
- "Evaluation of Bait Station System Efficacy for Reduced Risk Subterranean Termite Management in California."

These research projects will improve understanding of invasive pest populations to the benefit of both consumers and pest control professionals.

Business Modernization

The Board continued the Business Modernization process to implement a new information technology system. This new platform will benefit consumers and the pest control industry by offering online payment and submission capability.

NEW LEGISLATION

There was no enacted legislation solely related to the Board in 2021.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	N
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
DUPLICATE LICENSE	\$2	\$2
CHANGE OF LICENSEE NAME	\$2	\$2
OPERATOR EXAMINATION	\$65	\$100
OPERATOR LICENSE	\$120	\$150
RENEWAL OPERATOR LICENSE	\$120	\$150
COMPANY OFFICE REGISTRATION	\$120	\$120
BRANCH OFFICE REGISTRATION	\$60	\$60
FIELD REPRESENTATIVE EXAMINATION	\$50	\$75
FIELD REPRESENTATIVE LICENSE	\$30	\$45
RENEWAL FIELD REPRESENTATIVE LICENSE	\$30	\$45
CHANGE OF REGISTERED COMPANY NAME	\$25	\$25
CHANGE OF PRINCIPLE OFFICE ADDRESS	\$25	\$25
CHANGE OF BRANCH OFFICE ADDRESS	\$25	\$25
CHANGE OF QUALIFYING MANAGER	\$25	\$25
CHANGE OF REGISTERED COMPANY OFFICERS	\$25	\$25
CHANGE OF BOND OR INSURANCE	\$25	\$25
CONTINUING EDUCATION PROVIDER	\$50	\$50
CONTINUING EDUCATION COURSE APPROVAL	\$25	\$25
PESTICIDE USE REPORT FILING	\$6	\$7
APPLICATORS LICENSE	\$10	\$50
RENEWAL APPLICATOR LICENSE	\$10	\$50
APPLICATOR EXAMINATION	\$55	\$60
OPERATOR CHALLENGE EXAMINATION	\$65	\$100
FIELD REPRESENTATIVE CHALLENGE EXAM	\$50	\$75
WDO INSPECTION AND COMPLETION FEE	\$4	\$5

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
APPLICATOR	1502	1414	1,224
BRANCH OFFICE REGISTRATIONS	46	46	N/A
COMPANY REGISTRATIONS	261	236	N/A
FIELD REPRESENTATIVE	2054	1850	3,878
OPERATOR	258	256	1,512
TOTAL	4,121	3,802	6,614

STRUCTURAL PEST CONTROL BOARD

Licensing Population by Type

TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
APPLICATOR	N/A	7,281	N/A
BRANCH OFFICE REGISTRATIONS	N/A	460	N/A
COMPANY REGISTRATIONS	N/A	3,236	N/A
FIELD REPRESENTATIVE	N/A	14,606	N/A
OPERATOR	N/A	4,433	N/A
TOTAL	N/A	30,016	N/A

Renewal and Continuing Education (CE)

TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
OPERATOR BRANCH 1	3 YEARS	16
OPERATOR BRANCH 2	3 YEARS	16
OPERATOR BRANCH 3	3 YEARS	16
OPERATOR BRANCH 1 AND 2	3 YEARS	20
OPERATOR BRANCH 1 AND 3	3 YEARS	20
OPERATOR BRANCH 2 AND 3	3 YEARS	20
OPERATOR BRANCH 1, 2 AND 3	3 YEARS	24
FIELD REPRESENTATIVE BRANCH 1	3 YEARS	16
FIELD REPRESENTATIVE BRANCH 2	3 YEARS	16
FIELD REPRESENTATIVE BRANCH 3	3 YEARS	16
FIELD REPRESENTATIVE BRANCH 1 AND 2	3 YEARS	20
FIELD REPRESENTATIVE BRANCH 1 AND 3	3 YEARS	20
FIELD REPRESENTATIVE BRANCH 2 AND 3	3 YEARS	20
FIELD REPRESENTATIVE BRANCH 1, 2 AND 3	3 YEARS	24
APPLICATOR	3 YEARS	12

Exam Results

EXAM TITLE	PASS	FAIL	TOTAL
OPERATOR BRANCH 1	10	10	20
OPERATOR BRANCH 2	234	70	304
OPERATOR BRANCH 3	87	45	132
FIELD REPRESENTATIVE BRANCH 1	55	17	72
FIELD REPRESENTATIVE BRANCH 2	2,028	966	2,994
FIELD REPRESENTATIVE BRANCH 3	480	609	1,089
APPLICATOR	1,593	1,015	2,608

Summary of Enforcement Activity

Consumer Complaints—Intake

335	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
333	REFERRED FOR INVESTIGATION
2	PENDING

Conviction/Arrest Notification Complaints

970	RECEIVED
853	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
7	REFERRED FOR INVESTIGATION
110	PENDING

Inspections

51	CONDUCTED
18	CITATIONS ISSUED

Investigations

340	OPENED
347	CLOSED
96	PENDING

Number of Days to Complete Intake and Investigations

256	UP TO 90 DAYS
40	91 TO 180 DAYS
28	181 DAYS TO 1 YEAR
22	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
94	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

STRUCTURAL PEST CONTROL BOARD

Citations and Fines

143	ISSUED
143	ISSUED WITH A FINE
1	WITHDRAWN
2	DISMISSED
0	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$188,934	ASSESSED
\$850	REDUCED
\$203,532	COLLECTED

Criminal/Civil Actions

0	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

40	CASES OPENED/INITIATED
54	CASES CLOSED
27	CASES PENDING

Number of Days to Complete Attorney General Cases

21	UP TO 1 YEAR
33	1 TO 2 YEARS
0	2 TO 3 YEARS
0	OVER 3 YEARS
451	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

12	STATEMENTS OF ISSUES FILED
19	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

3	LICENSE APPLICATIONS DENIED
23	REVOCATION
8	SURRENDER OF LICENSE
2	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
19	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
55	TOTAL

Petition for Modification or Termination of Probation

0	GRANTED
2	DENIED

Petition for Reinstatement of Revoked License/
Registration/Certification

0	GRANTED
2	DENIED

Cost Recovery

\$75,627.40	ORDERED
\$76,269.54	COLLECTED

Restitution to Consumers/Refunds/Savings

\$21,722.50	RESTITUTION ORDERED
\$501,221.36	AMOUNT REFUNDED
\$152,818.75	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$675,762.61	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

94	AVERAGE NUMBER OF DAYS
-----------	------------------------

Closure of Investigation to Imposing Formal Discipline

330	AVERAGE NUMBER OF DAYS
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Licenses and regulates veterinarians, registered veterinary technicians, and veterinary premises.

www.vmb.ca.gov

STAFF:

31.7 civil servant positions

1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

38,549

BOARD MEMBERSHIP:

3 public representatives

5 licensees

BOARD STAFF:

Executive Officer: Jessica Sieferman
jessica.sieferman@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 4800–4917

California Code of Regulations, Division 20,
 title 16, §§ 2000–2086.9

Civil Code §§ 3051, § 3052, §§ 3080–3080.03,
 §§ 1834.5–1834.6

Health and Safety Code §§ 122125–122220

SUNSET REVIEW:

Last review: 2021 Next review: 2025

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 4848, reciprocity for veterinary applicants is offered as follows:

- Any person applying for a veterinary license who has passed the veterinary national licensing examination at the time of original licensure in another state and has been practicing veterinary medicine full time for two out of the three years (in the United States, U.S. territory, or Canada) immediately preceding the application may apply for reciprocity (one-year license) if he or she has no disciplinary action taken against the license.
- International veterinary graduates may apply for reciprocity if they meet all the above requirements and have completed a recognized education equivalence program.
- All reciprocity licensees must complete a three-day course on regionally specific diseases and conditions within 12 months of the date of issue of their temporary license to receive unrestricted licensure. Courses are offered in March and September.

Pursuant to title 16, California Code of Regulations section 2068.6, an out-of-state veterinary technician licensed in the United States, U.S. territory, or Canada may apply for reciprocity and is eligible for the California veterinary technician examination if he or she has passed the national veterinary technician licensing examination and has obtained 4,416 hours of directed clinical practice under the direct supervision of a veterinarian licensed in the United States, U.S. territory, or Canada and if he or she has no disciplinary action taken against the license.

ACCOMPLISHMENTS

Examinations

Through the Department of Consumer Affairs (DCA) Office of Professional Examination Services, the Board completed an Occupational Analysis and Linkage Study for the national and state veterinarian examinations and deemed the state examination redundant to the national examination. As such, the Board voted to eliminate the state examination from the veterinarian licensing requirements. In addition, the Board evaluated its statutes and regulations to eliminate unnecessary barriers to licensure, streamline the licensing process, increase access to veterinary care, and improve consumer protection mechanisms. The evaluation resulted in the Board approving legislative proposals that amended 13, repealed nine, and added four statutes. The evaluation also resulted in nine regulations being amended and 16 being repealed.

Sunset Hearing

The Board's president, vice president, and executive officer testified at the Board's sunset hearing on March 3, 2021. At the Legislature's request, subsequent reports were provided regarding BreEZe licensing enhancements and enforcement-specific expenditures and cost recovery. The Board's sunset bill includes all Board-requested legislative proposals mentioned above and addresses concerns raised by stakeholders during the sunset process.

Response to COVID-19

Due to the COVID-19 pandemic, the Board and its Multidisciplinary Advisory Committee evaluated existing requirements to determine what, if any, requirements should be amended to increase access to veterinary care through electronic means while still adequately protecting consumers. Stakeholders were invited to and participated in six public meetings to assist this evaluation. The Board recognized that the ability to provide veterinary care through electronic means is a valuable tool in many situations and for all populations.

The pandemic further highlighted the critical issues regarding access to veterinary care. Access to care afforded by electronic veterinary services is particularly important for underserved populations. Ultimately, the meetings led to a Board-approved electronic veterinary services legislative proposal. The Board also created an Access to Veterinary Care Committee to collaborate with stakeholders on ways to increase care to all Californians.

In addition, the pandemic led to the Board transitioning all meetings to a virtual platform, saving the Board over \$40,000 in travel costs.

Operational Efficiency

With the assistance of DCA's Office of Information Services, the Board created and fully implemented an interface with the national examination vendor to receive electronic examination results for veterinarian and registered veterinary technicians directly into the BreEZe system. This eliminated all workload associated with manually entering individual examination scores. The Board also created and began posting full processing timelines on its website rather than the time it takes to initially start processing applications. This increased transparency by giving applicants complete and realistic expectations on how long it takes to receive a license. The Board also updated BreEZe to auto-assign applications to staff, streamlining the process and increasing accountability.

The Board launched its new continuing education audit program in January 2021, auditing 5% of renewals received each month. The Board also eliminated two generic licensing email accounts that previously confused stakeholders and led to some duplicated efforts.

Website Enhancements

The Board worked closely with DCA's Office of Public Affairs to make the Board's website more user-friendly and create two instructional videos for applicants applying for initial licensure.

NEW LEGISLATION

AB 1282 (Bloom, Chapter 752, Statutes of 2021) allows community-based animal blood banks to commercially sell animal blood from community donors. This bill expands the scope of actions constituting veterinary medicine to include the collection of blood from an animal for the purpose of transferring or selling that blood and blood component products, as defined, to a licensed veterinarian for use at a registered premises, except in certain circumstances. It authorizes the Board to establish a community-based animal blood bank registration, to be renewed annually, to cover the costs associated with oversight and inspection of community-based animal blood banks. It establishes specified safety procedures, such as veterinarian supervision and testing of the blood. This bill also requires both closed colony and community-based animal blood banks to submit quarterly reports to the Department of Food and Agriculture, which would subsequently be required to phase out licensing of closed colony blood banks within 18 months once the reports show that community-based blood banks are collecting an annual amount equal to the amount sold by closed colony blood banks in four consecutive quarters.

AB 1535 (Committee on Business and Professions, Chapter 631, Statutes of 2021) extends the sunset date of the Board from January 1, 2022, to January 1, 2026. Other notable provisions include: (1) removes the state-specific examinations for veterinarians and veterinary technicians; (2) removes temporary and intern veterinarian licenses; (3) removes the requirement for out-of-state licensees to take an in-person California-specific course for reciprocity purposes; (4) decreases fees by 36% for registered veterinary technicians; (5) prohibits a premises registration holder who is not a California-licensed veterinarian from interfering with, controlling, or otherwise directing the professional judgment of any California-licensed veterinarian or registered veterinary technician; (6) expands disclosure requirements for veterinary premises registrations; (7) allows the Board to deem applications abandoned after one year of inactivity; (8) renames the Diversion Evaluation Committee to the Wellness Evaluation Committee, and (9) exempts a person providing specified care to animals deposited at animal shelters from licensure requirements and exempts animal shelters from the veterinary premises registration requirement if those shelters are solely administering nonprescription vaccinations, nonprescription medications, and medications pursuant to a written treatment plan.

VETERINARY MEDICAL BOARD

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
VETERINARIAN FEES		
APPLICATION	\$350	\$350
STATE EXAM	\$350	\$350
LAW EXAM	\$100	\$100
INITIAL LICENSE	\$500	\$500
RENEWAL	\$500	\$500
VETERINARIAN TEMPORARY FEES		
LICENSE	\$250	\$250
VETERINARIAN INTERNSHIP FEES		
LICENSE	\$250	\$250
UNIVERSITY VETERINARIAN FEES		
INITIAL LICENSE	\$500	\$500
RENEWAL	\$500	\$500
REGISTERED VETERINARY TECHNICIAN FEES		
APPLICATION	\$350	\$350
INITIAL LICENSE	\$350	\$350
RENEWAL	\$350	\$350
VETERINARY ASSISTANT CONTROLLED SUBSTANCES PERMIT FEES		
APPLICATION	\$50	\$100
INITIAL LICENSE	\$50	-
RENEWAL	\$50	\$50
VETERINARY PREMISES FEES		
INITIAL LICENSE	\$400	\$400
RENEWAL	\$400	\$400

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
REGISTERED VETERINARY TECHNICIAN	993	748	3,620
VETERINARIAN	828	694	6,079
VETERINARIAN INTERN	38	20	N/A
VETERINARIAN TEMPORARY	91	62	N/A

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
VETERINARY ASSISTANT CONTROLLED SUBSTANCES PERMIT	1,889	1,508	1,935
VETERINARY PREMISES	360	345	3,522
UNIVERSITY VETERINARIAN LICENSE	25	23	39
TOTAL	4,224	3,400	15,195

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
REGISTERED VETERINARY TECHNICIAN	N/A	10,071	N/A
VETERINARIAN	N/A	15,400	N/A
VETERINARIAN INTERN	N/A	30	N/A
VETERINARIAN TEMPORARY	N/A	62	N/A
VETERINARY ASSISTANT CONTROLLED SUBSTANCES PERMIT	8,616	N/A	N/A
VETERINARY PREMISES	4,209	N/A	N/A
UNIVERSITY VETERINARIAN LICENSE	N/A	161	N/A
TOTAL	12,825	25,724	N/A

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
VETERINARIAN	EVERY 2 YEARS	36
REGISTERED VETERINARY TECHNICIAN	EVERY 2 YEARS	20

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
CALIFORNIA STATE BOARD	506	95	601
VETERINARY LAW EXAM	446	4	450

Summary of Enforcement Activity

Consumer Complaints—Intake	
1,499	RECEIVED
4	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1,485	REFERRED FOR INVESTIGATION
29	PENDING

Conviction/Arrest Notification Complaints	
146	RECEIVED
3	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
141	REFERRED FOR INVESTIGATION
2	PENDING

Inspections

50	CONDUCTED
0	CITATIONS ISSUED

Investigations

1,626	OPENED
560	CLOSED
3,508	PENDING

Number of Days to Complete Intake and Investigations

339	UP TO 90 DAYS
29	91 TO 180 DAYS
36	181 DAYS TO 1 YEAR
62	1 TO 2 YEARS
22	2 TO 3 YEARS
72	OVER 3 YEARS
309	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

16	ISSUED
16	ISSUED WITH A FINE
0	WITHDRAWN
0	DISMISSED
1,581	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$38,004	ASSESSED
\$0	REDUCED
\$21,504	COLLECTED

Criminal/Civil Actions

2	REFERRALS FOR CRIMINAL/CIVIL ACTION
0	CRIMINAL ACTIONS FILED
0	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

38	CASES OPENED/INITIATED
74	CASES CLOSED
53	CASES PENDING

Number of Days to Complete Attorney General Cases

3	UP TO 1 YEAR
6	1 TO 2 YEARS
22	2 TO 3 YEARS
43	OVER 3 YEARS
1,288	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

1	STATEMENTS OF ISSUES FILED
10	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
1	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
2	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
7	REVOCATION
10	SURRENDER OF LICENSE
1	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
8	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
26	TOTAL

Petition for Modification or Termination of Probation

4	GRANTED
2	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

2	GRANTED
1	DENIED

Cost Recovery

\$119,392	ORDERED
\$42,798.70	COLLECTED

Restitution to Consumers/Refunds/Savings

\$3,880	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$3,880	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

9	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

300	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

964	AVERAGE NUMBER OF DAYS
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BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Licenses and regulates vocational nurses and psychiatric technicians.

www.bvnpt.ca.gov

STAFF:

72 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

141,262

BOARD MEMBERSHIP:

6 public representatives
5 licensees

BOARD STAFF:

Executive Officer: Elaine Yamaguchi
elaine.yamaguchi@dca.ca.gov

Assistant Executive Officer: Vicki Lyman
vicki.lyman@dca.ca.gov

LAWS AND REGULATIONS:

Business and Professions Code §§ 2840–2895.5
and 4500–4548

California Code of Regulations, Division 25,
title 16, §§ 2500–25573.3 and 2560–2595.3

SUNSET REVIEW:

Last review: 2021 Next review: 2024

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 2872.1, the Board, upon receiving a written application and required fees, may issue a license to any applicant who possesses a valid unrevoked license as a vocational or practical nurse issued by any other state or foreign country, and who in the opinion of the Board meets all the other requirements.

Pursuant to Business and Professions Code section 4515, the Board, upon receiving a written application and required fees, may issue a license to any applicant who possesses a valid unrevoked license as a psychiatric technician issued by any other state or foreign country, and who in the opinion of the Board meets all the other requirements.

ACCOMPLISHMENTS

Strategic Plan

The Board reached several goals in its 2020–2025 Strategic Plan and continually reviews it to ensure it is on target for completion. For example, the Licensing Division continues implementing the Department of Consumer Affairs Organizational Improvement Office recommendation to ensure the quality and responsiveness of communication to licensees, applicants, and other stakeholders for better customer service. The number of incoming calls from the previous fiscal year dropped from 57,430 to 45,962, and the average time on hold dropped from 6.8 minutes to 3 minutes. The number of incoming calls answered increased from 80% to 92% in this same time period.

The Enforcement Division continues following the Strategic Plan recommendation of monitoring workflow and caseloads to ensure appropriate support and resources. Specifically, a team of enforcement managers reviewed and audited case aging in both the Intake and Enhanced Screening Unit (IESU) and the Licensee and Applicant Case Review Unit. They set and reached a goal of improving performance and lowered the average days to assign/close cases to four days on average from the previous year's average of seven days. These changes resulted in an over 20% increase in case closures in the IESU and reduced case aging for the unit from an average of 191 days last fiscal year to 166 days in 2020–21.

One element of the Education Division's Strategic Plan specifically addressed collaborating with partners to ensure schools are accountable. This became apparent during the COVID-19 pandemic when the Nursing Education Consultants (NECs) assisted programs with transitioning traditional classroom learning to online learning. Faced

with a loss of clinical sites shuttered by the pandemic, the NECs closely monitored programs to ensure students received the necessary educational foundation to be successful health care workers upon graduation.

Outreach

The Strategic Plan also focused on the Board communicating via various media channels on issues, regulations, and laws. During the pandemic, weekly posts to Facebook and Twitter reinforced the importance of wearing masks, physical distancing, and correctly washing hands. Posts also included inspirational messages to health care workers for their continued work and dedication. The Enforcement Division produced a trifold brochure titled “How an Arrest Affects Your License.” The brochure is available on the website and included in documents mailed to applicants and licensees as part of the enforcement process.

The Board continued public meetings via Webex during the pandemic. Public attendance and participation increased by 35%.

Important Meetings

During the pandemic, clinical sites closed to nursing students and programs moved to online teaching. At its February 2021 Board meeting, the Board hosted an information forum on simulation and clinical experience and invited a guest speaker from the National Council on State Boards of Nursing to present the national background and perspectives on clinical simulation. Other presenters addressed various teaching modalities and clinical experiences. This forum provided the program directors with a variety of proven instructional options.

Due to the direction provided at the sunset hearing relative to reducing the new program wait list, the Board hosted an informational forum at its May 2021 Board meeting and invited seven program directors to discuss the process and offer suggestions for success. The Board posted the draft documents to its website and encouraged public feedback on developing a new program approval process.

Precedential Decision

The Board adopted and published its first precedential decision December 1, 2020, relevant to licensed vocational nurse (LVN) scope of practice violations at a skin care salon. The LVN injected Botox, Juvederm, Kybella, and glutathione; performed platelet rich plasma therapy and vitamin drips; and performed skin growth removal procedures. All procedures were beyond the LVN scope of practice. The Board’s executive officer released an email statement to over 40,000 individuals on the Board’s Listserv. The statement/decision also was sent to chambers of commerce and business associations in Southern California, the Bay Area, and the Sacramento

region. The American Medical Association, Medical Spa Association, and other like-minded organizations were encouraged to disseminate the information to their members.

NEW LEGISLATION

AB 1536 (Committee on Business and Professions, Chapter 632, Statutes of 2021) is the sunset bill for the Board that extends their operations until January 1, 2025. Among other things, this bill makes changes to the Board’s school approval process by creating timelines that must be met by both the Board and the prospective school and allows the Board to charge application and approval fees. The bill also removes the Governor’s Office’s authority to appoint the executive officer and instead grants that authority to the Board. This bill also requires the Board to delegate the authority to issue default decisions and stipulated surrenders of license to its executive officer, and makes other various nonsubstantive, clarifying changes.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types. Refer to laws and regulations for details.

Fees*

License Type	Actual Fee	Statutory Limit
VOCATIONAL NURSES		
INITIAL APPLICATION FOR LICENSURE BY EXAMINATION—GRADUATE OF AN APPROVED CA VN PROGRAM	\$220	\$300
INITIAL APPLICATION FOR LICENSURE BY EXAMINATION—QUALIFYING METHOD OTHER THAN ABOVE	\$225	\$300
APPLICATION FOR LICENSURE BY ENDORSEMENT FROM ANOTHER STATE	\$220	\$300
APPLICATION FOR RE-EXAMINATION	\$220	\$300
BIENNIAL RENEWAL OF A LICENSE	\$220	\$300
RENEWAL DELINQUENT FEE	\$110	\$150
INITIAL LICENSE FEE	\$220	\$300
DUPLICATE LICENSE FEE	\$25	\$50

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

License Type	Actual Fee	Statutory Limit
APPLICATION FOR VERIFICATION OF LICENSURE TO ANOTHER STATE	\$100	\$150
INTRAVENOUS THERAPY (IV), BLOOD WITHDRAWAL (BW), OR IV/BW COMBO CERTIFICATION	\$20	\$50
PSYCHIATRIC TECHNICIANS		
INITIAL APPLICATION FOR LICENSURE BY EXAMINATION—GRADUATE OF AN APPROVED CA PT PROGRAM	\$265	\$345
INITIAL APPLICATION FOR LICENSURE BY EXAMINATION—QUALIFYING METHOD OTHER THAN ABOVE	\$295	\$375
APPLICATION FOR LICENSURE BY ENDORSEMENT FROM ANOTHER STATE	\$220	\$300
APPLICATION FOR RE-EXAMINATION	\$265	\$345
BIENNIAL RENEWAL OF A LICENSE	\$220	\$300
RENEWAL DELINQUENT FEE	\$110	\$150
INITIAL LICENSE FEE	\$220	\$300
DUPLICATE LICENSE FEE	\$25	\$50
APPLICATION FOR VERIFICATION OF LICENSURE TO ANOTHER STATE	\$100	\$150
INTRAVENOUS THERAPY (IV), BLOOD WITHDRAWAL (BW), OR IV/BW COMBO CERTIFICATION	\$20	\$50
VOCATIONAL NURSES		
APPROVAL OF AN INTRAVENOUS (IV), BLOOD WITHDRAWAL (BW), OR IV WITH BW COURSE PROVIDER	\$150	\$250
CONTINUING APPROVAL OF AN INTRAVENOUS THERAPY (IV), BLOOD WITHDRAWAL (BW), OR IV WITH BW COURSE PROVIDER	\$150	\$250
APPROVAL OF A CONTINUING EDUCATION COURSE PROVIDER	\$150	\$250
CONTINUING APPROVAL OF A CONTINUING EDUCATION COURSE PROVIDER	\$150	\$250
PSYCHIATRIC TECHNICIANS		
APPROVAL OF AN INTRAVENOUS (IV), BLOOD WITHDRAWAL (BW), OR IV WITH BW COURSE PROVIDER	\$150	\$250
CONTINUING APPROVAL OF AN INTRAVENOUS THERAPY (IV), BLOOD WITHDRAWAL (BW), OR IV WITH BW COURSE PROVIDER	\$150	\$250
APPROVAL OF A CONTINUING EDUCATION COURSE PROVIDER	\$150	\$250
CONTINUING APPROVAL OF A CONTINUING EDUCATION COURSE PROVIDER	\$150	\$250

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
PSYCHIATRIC TECHNICIAN (PT)	386	321	4,422
VOCATIONAL NURSE (VN)	9,351	7,041	49,621
TOTAL	9,737	7,362	54,043

* Issued one time per licensee

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
PSYCHIATRIC TECHNICIAN (PT)	0	11,172	0
VOCATIONAL NURSE (VN)	0	130,090	0
TOTAL	0	141,262	0

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
VOCATIONAL NURSE	EVERY 2 YEARS	30 HOURS
PSYCHIATRIC TECHNICIAN	EVERY 2 YEARS	30 HOURS

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
NCLEX	6,261	4,778	11,039
PTE	343	247	600

Summary of Enforcement Activity

Consumer Complaints—Intake	
1,015	RECEIVED
378	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
658	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
1,135	RECEIVED
23	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
1,085	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
0	CONDUCTED
0	CITATIONS ISSUED

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Investigations

1,743	OPENED
1,907	CLOSED
1,046	PENDING

Number of Days to Complete Intake and Investigations

622	UP TO 90 DAYS
334	91 TO 180 DAYS
448	181 DAYS TO 1 YEAR
378	1 TO 2 YEARS
105	2 TO 3 YEARS
20	OVER 3 YEARS
258	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines

147	ISSUED
147	ISSUED WITH A FINE
1	WITHDRAWN
0	DISMISSED
408	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines

\$103,033	ASSESSED
\$3,503	REDUCED
\$86,373	COLLECTED

Criminal/Civil Actions

222	REFERRALS FOR CRIMINAL/CIVIL ACTION
115	CRIMINAL ACTIONS FILED
107	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions

222	CASES OPENED/INITIATED
222	CASES CLOSED
164	CASES PENDING

Number of Days to Complete Attorney General Cases

26	UP TO 1 YEAR
75	1 TO 2 YEARS
59	2 TO 3 YEARS
62	OVER 3 YEARS
842	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed

10	STATEMENTS OF ISSUES FILED
174	ACCUSATIONS FILED
0	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
3	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
0	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders

0	LICENSE APPLICATIONS DENIED
97	REVOCATION
44	SURRENDER OF LICENSE
0	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
70	PROBATION ONLY
7	PUBLIC REPRIMAND
4	OTHER DECISIONS
222	TOTAL

Petition for Modification or Termination of Probation

4	GRANTED
3	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification

42	GRANTED
17	DENIED

Cost Recovery

\$982,499.39	ORDERED
\$30,191.12	COLLECTED

Restitution to Consumers/Refunds/Savings

\$0	RESTITUTION ORDERED
\$0	AMOUNT REFUNDED
\$0	REWORK AT NO CHARGE
\$0	ADJUSTMENTS/RETURNS/EXCHANGES
\$0	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint to Investigation Assignment

3	AVERAGE NUMBER OF DAYS
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Start of Investigation to Investigation Closure

258	AVERAGE NUMBER OF DAYS
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Closure of Investigation to Imposing Formal Discipline

326	AVERAGE NUMBER OF DAYS
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Assembly Bill 2138 Report

The following data is provided in compliance with Business and Professions Code sections 480(g)(2) and 480(g)(3), which require all boards under the Department of Consumer Affairs (other than the California State Athletic Commission and the Bureau for Private Postsecondary Education) to annually report the following information:

- (A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.
- (B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.
- (C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.
- (D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

ASSEMBLY BILL 2138									
ACCOUNTANCY, BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Withdrawn
CPA	3,577	1	0	1	0	1	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	1	0	Indian	0	0	0
Female	0	0	0	Indonesian	0	0	0
Nonbinary	0	0	0	Japanese	0	0	0
Decline to State	0	0	0	Korean	0	0	0
African-American/Black/African-born	0	0	0	Lactian	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	Malaysian	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	Pakistani	0	0	0
Latino/Hispanic	0	0	0	Singaporean	0	0	0
Central American	0	0	0	Thai	0	0	0
Puerto Rican	0	0	0	Vietnamese	0	0	0
Cuban	0	0	0	Other Asian	0	0	0
South American	0	0	0	Native Hawaiian/Pacific Islander	0	0	0
Mexican	0	0	0	Fijian	0	0	0
Other Hispanic	0	0	0	Filipino	0	0	0
Asian	0	0	0	Guamanian	0	0	0
Cambodian	0	0	0	Hawaiian	0	0	0
Chinese	0	0	0	Samoan	0	0	0
Hmong	0	0	0	Tongan	0	0	0
				Other Pacific Islander	0	0	0
				Other Not Listed Above	0	1	0

ASSEMBLY BILL 2138									
ACUPUNCTURE, BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Withdrawn
Licensed Acupuncturist	296	11	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0
Nonbinary	0	0	0	0	0	0	0	0	0
Decline to State	0	0	0	0	0	0	0	0	0
African-American/Black/African-born	0	0	0	0	0	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	0	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	0	0	0	0	0
Latino/Hispanic	0	0	0	0	0	0	0	0	0
Central American	0	0	0	0	0	0	0	0	0
Puerto Rican	0	0	0	0	0	0	0	0	0
Cuban	0	0	0	0	0	0	0	0	0
South American	0	0	0	0	0	0	0	0	0
Mexican	0	0	0	0	0	0	0	0	0
Other Hispanic	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0
Cambodian	0	0	0	0	0	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0
Hmong	0	0	0	0	0	0	0	0	0
Indian	0	0	0	0	0	0	0	0	0
Indonesian	0	0	0	0	0	0	0	0	0
Japanese	0	0	0	0	0	0	0	0	0
Korean	0	0	0	0	0	0	0	0	0
Laotian	0	0	0	0	0	0	0	0	0
Malaysian	0	0	0	0	0	0	0	0	0
Pakistani	0	0	0	0	0	0	0	0	0
Singaporean	0	0	0	0	0	0	0	0	0
Thai	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	0	0	0	0	0	0	0
Other Asian	0	0	0	0	0	0	0	0	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0	0	0	0
Fijian	0	0	0	0	0	0	0	0	0
Filipino	0	0	0	0	0	0	0	0	0
Guamanian	0	0	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0	0	0
Samoa	0	0	0	0	0	0	0	0	0
Tongan	0	0	0	0	0	0	0	0	0
Other Pacific Islander	0	0	0	0	0	0	0	0	0
Other Not Listed Above	0	0	0	0	0	0	0	0	0

ASSEMBLY BILL 2138

ARCHITECTS BOARD, CALIFORNIA

License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome		
					Denial	Issued	Withdrawn				Denial	Issued	Withdrawn
Architect	611	0	0	0	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0	0
Female	0	0	0	0
Nonbinary	0	0	0	0
Decline to State	0	0	0	0
African-American/Black/African-born	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0
Latino/Hispanic	0	0	0	0
Central American	0	0	0	0
Puerto Rican	0	0	0	0
Cuban	0	0	0	0
South American	0	0	0	0
Mexican	0	0	0	0
Other Hispanic	0	0	0	0
Asian	0	0	0	0
Cambodian	0	0	0	0
Chinese	0	0	0	0
Hmong	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0	0
Indonesian	0	0	0	0
Japanese	0	0	0	0
Korean	0	0	0	0
Laotian	0	0	0	0
Malaysian	0	0	0	0
Pakistani	0	0	0	0
Singaporean	0	0	0	0
Thai	0	0	0	0
Vietnamese	0	0	0	0
Other Asian	0	0	0	0
Native Hawaiian/Pacific Islander	0	0	0	0
Fijian	0	0	0	0
Filipino	0	0	0	0
Guamanian	0	0	0	0
Hawaiian	0	0	0	0
Samoa	0	0	0	0
Tongan	0	0	0	0
Other Pacific Islander	0	0	0	0
Other Not Listed Above	0	0	0	0

ASSEMBLY BILL 2138										
AUTOMOTIVE REPAIR, BUREAU OF										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome	
					Denial	Issued	Withdrawn		Denial	Issued
Auto Repair Dealer	3,233	32	2	113	2	108	0	0	0	0
Brake and Lamp Adjuster	1,235	14	0	19	0	16	0	0	0	0
Smog Check Inspector	1,327	28	1	83	1	75	0	1	0	0
Smog Check Repair Technician	613	11	0	43	2	37	0	0	0	0
Smog Check Repair Only Station	5	0	0	0	0	0	0	0	0	0
Smog Check Test Only Station	240	2	0	11	0	10	0	0	0	0
Smog Check Test and Repair Station	351	3	0	15	1	12	0	0	0	0
Brake and Lamp Station	182	2	0	14	0	12	0	0	0	0
STAR Station Certification	495	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	18	0
Female	0	2	0
Nonbinary	0	0	0
Decline to State	0	1	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	1	0
Caucasian/White European/Middle Eastern	0	10	0
Latino/Hispanic	0	4	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	2	0
Other Hispanic	0	0	0
Asian	0	1	0
Cambodian	0	0	0
Chinese	0	1	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	2	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	1	0

ASSEMBLY BILL 2138										
BARBERING AND COSMETOLOGY, BOARD OF										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome	
					Denial	Issued	Withdrawn		Denial	Withdrawn
Barber	3,887	96	3	0	0	0	0	0	0	0
Barber Apprentice	1,053	36	0	0	0	0	0	0	0	0
Cosmetologist	9,794	79	0	0	0	0	0	0	0	0
Cosmetologist Apprentice	656	3	0	0	0	0	0	0	0	0
Electrologist	65	1	0	0	0	0	0	0	0	0
Electrologist Apprentice	0	0	0	0	0	0	0	0	0	0
Establishment	6,948	1	1	0	0	0	0	0	0	0
Esthetician	8,186	82	0	0	0	0	0	0	0	0
Manicurist	6,210	28	0	0	0	0	0	0	0	0
Mobile Unit	22	0	0	0	0	0	0	0	0	0
Schools	6	0	0	0	0	0	0	0	0	0
Sponsor	1	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
BEHAVIORAL SCIENCES, BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Outcome
Licensed Marriage and Family Therapists	2,875	373	13	173	3	170	0	6	2
Licensed Clinical Social Worker	3,417	451	20	231	2	228	1	6	4
Licensed Educational Psychologist	103	18	0	6	0	0	0	0	0
Licensed Professional Clinical Counselor	1,276	127	3	71	0	71	0	2	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138											
CEMETERY AND FUNERAL BUREAU											
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome		
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn
Apprentice Enbalmers	221	0	0	0	0	0	0	0	0	0	
Cemetery Broker Branch	15	0	0	0	0	0	0	0	0	0	
Cemetery Broker/Additional Broker	26	0	0	0	0	0	0	0	0	0	
Cemetery Manager	46	0	0	0	0	0	0	0	0	0	
Cemetery Salesperson	774	0	0	12	0	12	0	0	0	0	
Certificate Of Authority (Cemetery)	7	0	0	0	0	0	0	0	0	0	
Cremated Remains Disposer*	20	0	0	0	0	0	0	0	0	0	
Crematory	11	0	0	0	0	0	0	0	0	0	
Crematory Manager	94	0	0	1	0	1	0	0	0	0	
Embalmer	46	0	0	0	0	0	0	0	0	0	
Funeral Director	235	0	0	1	0	1	0	0	0	0	
Funeral Establishment	43	0	0	0	0	0	0	0	0	0	
Hydrolysis Facility	1	0	0	0	0	0	0	0	0	0	

Continued on next page

ASSEMBLY BILL 2138
CEMETERY AND FUNERAL BUREAU (Continued)

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	2	0
Female	0	1	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	2	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	1	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
CHIROPRACTIC EXAMINERS, BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome		Applicants who Appealed Any Denial or Disqualification of Licensure		Outcome
					Denial	Issued	Denial	Issued	Withdrawn
Doctor of Chiropractic-Initial License	221	22	1	22	1	21	1	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation
Male	0	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0	0
Nonbinary	0	0	0	0	0	0	0	0	0	0
Decline to State	0	0	0	0	0	0	0	0	0	0
African-American/Black/African-born	0	0	0	0	0	0	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	0	0	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	0	0	0	0	0	0
Latino/Hispanic	0	0	0	0	0	0	0	0	0	0
Central American	0	0	0	0	0	0	0	0	0	0
Puerto Rican	0	0	0	0	0	0	0	0	0	0
Cuban	0	0	0	0	0	0	0	0	0	0
South American	0	0	0	0	0	0	0	0	0	0
Mexican	0	0	0	0	0	0	0	0	0	0
Other Hispanic	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0
Cambodian	0	0	0	0	0	0	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0	0
Hmong	0	0	0	0	0	0	0	0	0	0
Indian	0	0	0	0	0	0	0	0	0	0
Indonesian	0	0	0	0	0	0	0	0	0	0
Japanese	0	0	0	0	0	0	0	0	0	0
Korean	0	0	0	0	0	0	0	0	0	0
Laotian	0	0	0	0	0	0	0	0	0	0
Malaysian	0	0	0	0	0	0	0	0	0	0
Pakistani	0	0	0	0	0	0	0	0	0	0
Singaporean	0	0	0	0	0	0	0	0	0	0
Thai	0	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	0	0	0	0	0	0	0	0
Other Asian	0	0	0	0	0	0	0	0	0	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0	0	0	0	0
Fijian	0	0	0	0	0	0	0	0	0	0
Filipino	0	0	0	0	0	0	0	0	0	0
Guamanian	0	0	0	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0	0	0	0
Samoa	0	0	0	0	0	0	0	0	0	0
Tongan	0	0	0	0	0	0	0	0	0	0
Other Pacific Islander	0	0	0	0	0	0	0	0	0	0
Other Not Listed Above	0	0	0	0	0	0	0	0	0	0

ASSEMBLY BILL 2138											
CONTRACTORS STATE LICENSE BOARD											
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of License	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of License	Outcome		
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn
Contractor	22,190	6,817	10	10	5	0	2	8	5	0	0
Home Improvement Salesperson	11,653	2,333	6	6	3	0	0	3	3	0	0
Personnel Change	2,059	286	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of License	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of License	Demographic Information	Applicants who Received Notice of Denial or Disqualification of License			Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of License
					Denial	Issued	Withdrawn		
Male	0	0	0	Indian					
Female	0	0	0	Indonesian					
Nonbinary	0	0	0	Japanese					
Decline to State	0	0	0	Korean					
African-American/Black/African-born	0	0	0	Laotian					
American Indian/Native American/Alaskan Native	0	0	0	Malaysian					
				Pakistani					
				Singaporean					
				Thai					
				Vietnamese					
				Other Asian					
				Native Hawaiian/Pacific Islander					
				Fijian					
				Filipino					
				Guamanian					
				Hawaiian					
				Samoan					
				Tongan					
				Other Pacific Islander					
				Other Not Listed Above					

Demographic Information	Applicants who Received Notice of Denial or Disqualification of License	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of License
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of License	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of License
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138

COURT REPORTERS BOARD OF CALIFORNIA

License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Certified Shorthand Reporter	39	0	0	0	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138										
DENTAL BOARD OF CALIFORNIA										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome	
					Denial	Issued	Withdrawn		Denial	Issued
Dentist (DDS) License	2,014	11	0	0	0	0	0	0	0	0
Special Permit	5	0	0	0	0	0	0	0	0	0
Oral Maxillofacial Surgery Permit	3	0	0	0	0	0	0	0	0	0
Registered Dental Assistant (RDA)	2,489	115	7	1	7	0	0	0	7	0
Registered Dental Assistant in Extended Functions (RDAEF)	135	1	0	0	0	0	0	0	0	0
Orthodontic Assistant (OA)	243	14	1	0	1	0	0	0	1	0
Dental Sedation Assistant (DSA)	8	0	0	0	0	0	0	0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure		Applicants who Provided Evidence of Mitigation or Rehabilitation		Applicants who Appealed Any Denial or Disqualification of Licensure	
Indian		0	0	0	0	0	0
Indonesian		0	0	0	0	0	0
Japanese		0	0	0	0	0	0
Korean		0	0	0	0	0	0
Laotian		0	0	0	0	0	0
Malaysian		0	0	0	0	0	0
Pakistani		0	0	0	0	0	0
Singaporean		0	0	0	0	0	0
Thai		0	0	0	0	0	0
Vietnamese		0	0	0	0	0	0
Other Asian		0	0	0	0	0	0
Native Hawaiian/Pacific Islander		0	0	0	0	0	0
Fijian		0	0	0	0	0	0
Filipino		0	0	0	0	0	0
Guamanian		0	0	0	0	0	0
Hawaiian		0	0	0	0	0	0
Samoa		0	0	0	0	0	0
Tongan		0	0	0	0	0	0
Other Pacific Islander		0	0	0	0	0	0
Other Not Listed Above		0	0	0	0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure		Applicants who Provided Evidence of Mitigation or Rehabilitation		Applicants who Appealed Any Denial or Disqualification of Licensure	
Male		0	0	0	0	0	0
Female		0	1	0	0	0	0
Nonbinary		0	0	0	0	0	0
Decline to State		0	0	0	0	0	0
African-American/Black/African-born		0	0	0	0	0	0
American Indian/Native American/Alaskan Native		0	0	0	0	0	0
Caucasian/White European/Middle Eastern		0	1	0	0	0	0
Latino/Hispanic		0	0	0	0	0	0
Central American		0	0	0	0	0	0
Puerto Rican		0	0	0	0	0	0
Cuban		0	0	0	0	0	0
South American		0	0	0	0	0	0
Mexican		0	0	0	0	0	0
Other Hispanic		0	0	0	0	0	0
Asian		0	0	0	0	0	0
Cambodian		0	0	0	0	0	0
Chinese		0	0	0	0	0	0
Hmong		0	0	0	0	0	0

ASSEMBLY BILL 2138

DENTAL HYGIENE BOARD OF CALIFORNIA

License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome		
					Denial	Issued	Withdrawn				Denial	Issued	Withdrawn
Registered Dental Hygienist	960	9	0	6	0	0	0	0	0	0	0	0	0
Registered Dental Hygienist In Alternative Practice	90	0	0	0	0	0	0	0	0	0	0	0	0
Registered Dental Hygienist In Extended Functions	0	0	0	0	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Lactian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138												
HOUSEHOLD GOODS AND SERVICES, BUREAU OF												
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome			
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn	
Appliance Service Dealer	392	12	0	0	0	0	0	0	0	0	0	
Combination Service Dealer	16	0	0	0	0	0	0	0	0	0	0	
Electronic Service Dealer	196	13	0	0	0	0	0	0	0	0	0	
Service Contract Administrator	0	0	0	0	0	0	0	0	0	0	0	
Service Contract Seller	272	4	0	0	0	0	0	0	0	0	0	
Bedding Retailer	2	0	0	0	0	0	0	0	0	0	0	
Custom Upholsterer	49	0	0	0	0	0	0	0	0	0	0	
Furniture and Bedding Manufacturer	137	0	0	0	0	0	0	0	0	0	0	
Furniture and Bedding Retailer	260	9	0	0	0	0	0	0	0	0	0	
Furniture and Bedding Wholesaler	19	0	0	0	0	0	0	0	0	0	0	
Furniture Retailer	182	0	0	0	0	0	0	0	0	0	0	
Importer	823	0	0	0	0	0	0	0	0	0	0	
Sanitizer	0	0	0	0	0	0	0	0	0	0	0	
Supply Dealer	3	0	0	0	0	0	0	0	0	0	0	
Thermal Insulation Manufacturer	5	0	0	0	0	0	0	0	0	0	0	
Household Mover Permit	209	65	0	0	0	0	0	0	0	0	0	

Continued on next page

ASSEMBLY BILL 2138
HOUSEHOLD GOODS AND SERVICES, BUREAU OF (Continued)

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138												
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE												
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome	
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn	Denial	Withdrawn
Landscape Architect	85	6	0	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0	Indian	0	0	0
Female	0	0	0	Indonesian	0	0	0
Nonbinary	0	0	0	Japanese	0	0	0
Decline to State	0	0	0	Korean	0	0	0
African-American/Black/African-born	0	0	0	Lactian	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	Malaysian	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	Pakistani	0	0	0
Latino/Hispanic	0	0	0	Singaporean	0	0	0
Central American	0	0	0	Thai	0	0	0
Puerto Rican	0	0	0	Vietnamese	0	0	0
Cuban	0	0	0	Other Asian	0	0	0
South American	0	0	0	Native Hawaiian/Pacific Islander	0	0	0
Mexican	0	0	0	Fijian	0	0	0
Other Hispanic	0	0	0	Filipino	0	0	0
Asian	0	0	0	Guamanian	0	0	0
Cambodian	0	0	0	Hawaiian	0	0	0
Chinese	0	0	0	Samoan	0	0	0
Hmong	0	0	0	Tongan	0	0	0
				Other Pacific Islander	0	0	0
				Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138										
MEDICAL BOARD OF CALIFORNIA										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Physician and Surgeon	4,699	13	0	12	0	9	0	0	0	0
Special Faculty Permit	1	0	0	0	0	0	0	0	0	0
Special Programs (Individual)	32	0	0	0	0	0	0	0	0	0
Licensed Midwife	44	0	0	0	0	0	0	0	0	0
Polysomnographic Trainee	9	0	0	0	0	0	0	0	0	0
Polysomnographic Technician	16	0	0	0	0	0	0	0	0	0
Polysomnographic Technologist	20	0	0	0	0	0	0	0	0	0
Research Psychoanalyst	9	0	0	0	0	0	0	0	0	0
Postgraduate Training License	3,099	10	0	8	0	9	0	0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian		0	0	0
Indonesian		0	0	0
Japanese		0	0	0
Korean		0	0	0
Lactian		0	0	0
Malaysian		0	0	0
Pakistani		0	0	0
Singaporean		0	0	0
Thai		0	0	0
Vietnamese		0	0	0
Other Asian		0	0	0
Native Hawaiian/Pacific Islander		0	0	0
Fijian		0	0	0
Filipino		0	0	0
Guamanian		0	0	0
Hawaiian		0	0	0
Samoan		0	0	0
Tongan		0	0	0
Other Pacific Islander		0	0	0
Other Not Listed Above		0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male		0	0	0
Female		0	0	0
Nonbinary		0	0	0
Decline to State		0	0	0
African-American/Black/African-born		0	0	0
American Indian/Native American/Alaskan Native		0	0	0
Caucasian/White European/Middle Eastern		0	0	0
Latino/Hispanic		0	0	0
Central American		0	0	0
Puerto Rican		0	0	0
Cuban		0	0	0
South American		0	0	0
Mexican		0	0	0
Other Hispanic		0	0	0
Asian		0	0	0
Cambodian		0	0	0
Chinese		0	0	0
Hmong		0	0	0

ASSEMBLY BILL 2138									
NATUROPATHIC MEDICINE COMMITTEE									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Naturopathic Doctor's License	118	3	0	3	0	3	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	1	0	Indian	0	0	0
Female	0	2	0	Indonesian	0	0	0
Nonbinary	0	0	0	Japanese	0	0	0
Decline to State	0	0	0	Korean	0	0	0
African-American/Black/African-born	0	0	0	Lactian	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	Malaysian	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	Pakistani	0	0	0
Latino/Hispanic	0	0	0	Singaporean	0	0	0
Central American	0	0	0	Thai	0	0	0
Puerto Rican	0	0	0	Vietnamese	0	0	0
Cuban	0	0	0	Other Asian	0	0	0
South American	0	0	0	Native Hawaiian/Pacific Islander	0	0	0
Mexican	0	0	0	Fijian	0	0	0
Other Hispanic	0	0	0	Filipino	0	0	0
Asian	0	0	0	Guamanian	0	0	0
Cambodian	0	0	0	Hawaiian	0	0	0
Chinese	0	0	0	Samoan	0	0	0
Hmong	0	0	0	Tongan	0	0	0
				Other Pacific Islander	0	0	0
				Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138										
OCCUPATIONAL THERAPY, CALIFORNIA BOARD OF										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Occupational Therapist (OT)	1,550	25	0	0	0	0	0	0	0	0
Occupational Therapist Limited Permit (OTLP)	130	3	0	0	0	0	0	0	0	0
Occupational Therapy Assistant (OTA)	427	26	0	0	0	0	0	0	0	0
Occupational Therapy Assistant Limited Permit (OTLAP)	18	0	0	0	0	0	0	0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian		0	0	0
Indonesian		0	0	0
Japanese		0	0	0
Korean		0	0	0
Laotian		0	0	0
Malaysian		0	0	0
Pakistani		0	0	0
Singaporean		0	0	0
Thai		0	0	0
Vietnamese		0	0	0
Other Asian		0	0	0
Native Hawaiian/Pacific Islander		0	0	0
Fijian		0	0	0
Filipino		0	0	0
Guamanian		0	0	0
Hawaiian		0	0	0
Samoa		0	0	0
Tongan		0	0	0
Other Pacific Islander		0	0	0
Other Not Listed Above		0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male		0	0	0
Female		0	0	0
Nonbinary		0	0	0
Decline to State		0	0	0
African-American/Black/African-born		0	0	0
American Indian/Native American/Alaskan Native		0	0	0
Caucasian/White European/Middle Eastern		0	0	0
Latino/Hispanic		0	0	0
Central American		0	0	0
Puerto Rican		0	0	0
Cuban		0	0	0
South American		0	0	0
Mexican		0	0	0
Other Hispanic		0	0	0
Asian		0	0	0
Cambodian		0	0	0
Chinese		0	0	0
Hmong		0	0	0

ASSEMBLY BILL 2138									
OPTOMETRY, CALIFORNIA STATE BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Optometrist	358	1	0	0	0	0	0	0	0
Spectacle Lens Dispenser	342	29	0	0	0	0	0	0	0
Contact Lens Dispenser	66	3	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
					Denial	Issued	Withdrawn			
Male	0	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0	0
Nonbinary	0	0	0	0	0	0	0	0	0	0
Decline to State	0	0	0	0	0	0	0	0	0	0
African-American/Black/African-born	0	0	0	0	0	0	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	0	0	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	0	0	0	0	0	0
Latino/Hispanic	0	0	0	0	0	0	0	0	0	0
Central American	0	0	0	0	0	0	0	0	0	0
Puerto Rican	0	0	0	0	0	0	0	0	0	0
Cuban	0	0	0	0	0	0	0	0	0	0
South American	0	0	0	0	0	0	0	0	0	0
Mexican	0	0	0	0	0	0	0	0	0	0
Other Hispanic	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0
Cambodian	0	0	0	0	0	0	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0	0
Hmong	0	0	0	0	0	0	0	0	0	0
Indian	0	0	0	0	0	0	0	0	0	0
Indonesian	0	0	0	0	0	0	0	0	0	0
Japanese	0	0	0	0	0	0	0	0	0	0
Korean	0	0	0	0	0	0	0	0	0	0
Laotian	0	0	0	0	0	0	0	0	0	0
Malaysian	0	0	0	0	0	0	0	0	0	0
Pakistani	0	0	0	0	0	0	0	0	0	0
Singaporean	0	0	0	0	0	0	0	0	0	0
Thai	0	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	0	0	0	0	0	0	0	0
Other Asian	0	0	0	0	0	0	0	0	0	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0	0	0	0	0
Fijian	0	0	0	0	0	0	0	0	0	0
Filipino	0	0	0	0	0	0	0	0	0	0
Guamanian	0	0	0	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0	0	0	0
Samoa	0	0	0	0	0	0	0	0	0	0
Tongan	0	0	0	0	0	0	0	0	0	0
Other Pacific Islander	0	0	0	0	0	0	0	0	0	0
Other Not Listed Above	0	0	0	0	0	0	0	0	0	0

ASSEMBLY BILL 2138									
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Osteopathic Physician and Surgeon	696	22	0	0	0	0	0	0	0
Postgraduate Training License	582	9	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure
						Denial	Issued	Withdrawn	
Male	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0
Nonbinary	0	0	0	0	0	0	0	0	0
Decline to State	0	0	0	0	0	0	0	0	0
African-American/Black/African-born	0	0	0	0	0	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	0	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	0	0	0	0	0
Latino/Hispanic	0	0	0	0	0	0	0	0	0
Central American	0	0	0	0	0	0	0	0	0
Puerto Rican	0	0	0	0	0	0	0	0	0
Cuban	0	0	0	0	0	0	0	0	0
South American	0	0	0	0	0	0	0	0	0
Mexican	0	0	0	0	0	0	0	0	0
Other Hispanic	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0
Cambodian	0	0	0	0	0	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0
Hmong	0	0	0	0	0	0	0	0	0
Indian	0	0	0	0	0	0	0	0	0
Indonesian	0	0	0	0	0	0	0	0	0
Japanese	0	0	0	0	0	0	0	0	0
Korean	0	0	0	0	0	0	0	0	0
Laotian	0	0	0	0	0	0	0	0	0
Malaysian	0	0	0	0	0	0	0	0	0
Pakistani	0	0	0	0	0	0	0	0	0
Singaporean	0	0	0	0	0	0	0	0	0
Thai	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	0	0	0	0	0	0	0
Other Asian	0	0	0	0	0	0	0	0	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0	0	0	0
Fijian	0	0	0	0	0	0	0	0	0
Filipino	0	0	0	0	0	0	0	0	0
Guamanian	0	0	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0	0	0
Samoan	0	0	0	0	0	0	0	0	0
Tongan	0	0	0	0	0	0	0	0	0
Other Pacific Islander	0	0	0	0	0	0	0	0	0
Other Not Listed Above	0	0	0	0	0	0	0	0	0

ASSEMBLY BILL 2138											
PHARMACY, CALIFORNIA STATE BOARD OF											
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome		
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn
Pharmacy Technician (TCH)	4,706	347	8	12	0	5	0	3	0	0	0
Pharmacist Exam (RPH)	2,303	111	4	1	0	0	0	2	0	0	1*
Intern Pharmacist (INT)	1,650	35	2	1	0	1	0	1	0	0	0
Designative Representative (EXG)	427	43	0	2	0	2	0	0	0	0	0
Designative Representative-VET (EXV)	5	0	0	0	0	0	0	0	0	0	0
Designative Representative -3PL (DRL)	106	10	0	0	0	0	0	0	0	0	0
Designative Representative-Reverse Distributor (DRR)	3	0	0	0	0	0	0	0	0	0	0
Designative Paramedic (DPM)	0	0	0	0	0	0	0	0	0	0	0
Pharmacist Retake Exam Applications	1,649	0	0	0	0	0	0	0	0	0	0
Pharmacist Initial License Applications	1,954	0	0	0	0	0	0	0	0	0	0
Advanced Practice Pharmacist (APH)	173	22	0	0	0	0	0	0	0	0	0

*Appeal withdrawn by applicant

Continued on next page

ASSEMBLY BILL 2138 PHARMACY, CALIFORNIA STATE BOARD OF (Continued)

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Lactian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
PHYSICAL THERAPY BOARD OF CALIFORNIA									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome		Applicants who Appealed Any Denial or Disqualification of Licensure		Outcome
					Denial	Issued	Denial	Issued	Withdrawn
Physical Therapist	1968	19	2	13	0	10	2	0	1
Physical Therapist Assistant	725	26	0	15	0	14	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Lactian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
PHYSICIAN ASSISTANT BOARD									
License Type	Total Number of Applications Received	Applications Requiring Inquiry Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Withdrawn
Physician Assistant	1,630	17	2	17	0	17	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation
Male	0	0	0	0	Indian	0	0	0	0
Female	0	0	0	0	Indonesian	0	0	0	0
Nonbinary	0	0	0	0	Japanese	0	0	0	0
Decline to State	0	0	0	0	Korean	0	0	0	0
African-American/Black/African-born	0	0	0	0	Lactian	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	Malaysian	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	Pakistani	0	0	0	0
Latino/Hispanic	0	0	0	0	Singaporean	0	0	0	0
Central American	0	0	0	0	Thai	0	0	0	0
Puerto Rican	0	0	0	0	Vietnamese	0	0	0	0
Cuban	0	0	0	0	Other Asian	0	0	0	0
South American	0	0	0	0	Native Hawaiian/Pacific Islander	0	0	0	0
Mexican	0	0	0	0	Fijian	0	0	0	0
Other Hispanic	0	0	0	0	Filipino	0	0	0	0
Asian	0	0	0	0	Guamanian	0	0	0	0
Cambodian	0	0	0	0	Hawaiian	0	0	0	0
Chinese	0	0	0	0	Samoan	0	0	0	0
Hmong	0	0	0	0	Tongan	0	0	0	0
					Other Pacific Islander	0	0	0	0
					Other Not Listed Above	0	0	0	0

ASSEMBLY BILL 2138										
PODIATRIC MEDICAL BOARD OF CALIFORNIA										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome	
					Denial	Issued	Withdrawn		Denial	Issued
Resident License	48	0	0	0	0	0	0	0	0	0
Permanent License	108	0	0	0	0	0	0	0	0	0

Demographic Information		Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Applicants who Appealed Any Denial or Disqualification of Licensure
Male		0	0	0	0	0	0
Female		0	0	0	0	0	0
Nonbinary		0	0	0	0	0	0
Decline to State		0	0	0	0	0	0
African-American/Black/African-born		0	0	0	0	0	0
American Indian/Native American/Alaskan Native		0	0	0	0	0	0
Caucasian/White European/Middle Eastern		0	0	0	0	0	0
Latino/Hispanic		0	0	0	0	0	0
Central American		0	0	0	0	0	0
Puerto Rican		0	0	0	0	0	0
Cuban		0	0	0	0	0	0
South American		0	0	0	0	0	0
Mexican		0	0	0	0	0	0
Other Hispanic		0	0	0	0	0	0
Asian		0	0	0	0	0	0
Cambodian		0	0	0	0	0	0
Chinese		0	0	0	0	0	0
Hmong		0	0	0	0	0	0
Indian		0	0	0	0	0	0
Indonesian		0	0	0	0	0	0
Japanese		0	0	0	0	0	0
Korean		0	0	0	0	0	0
Laotian		0	0	0	0	0	0
Malaysian		0	0	0	0	0	0
Pakistani		0	0	0	0	0	0
Singaporean		0	0	0	0	0	0
Thai		0	0	0	0	0	0
Vietnamese		0	0	0	0	0	0
Other Asian		0	0	0	0	0	0
Native Hawaiian/Pacific Islander		0	0	0	0	0	0
Fijian		0	0	0	0	0	0
Filipino		0	0	0	0	0	0
Guamanian		0	0	0	0	0	0
Hawaiian		0	0	0	0	0	0
Samoan		0	0	0	0	0	0
Tongan		0	0	0	0	0	0
Other Pacific Islander		0	0	0	0	0	0
Other Not Listed Above		0	0	0	0	0	0

ASSEMBLY BILL 2138											
PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR											
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn	
Agricultural Engineer	4	0	0	0	0	0	0	0	0	0	0
Certified Engineering Geologist	29	1	0	0	0	0	0	0	0	0	0
Certified Hydrogeologist	12	1	0	0	0	0	0	0	0	0	0
Chemical Engineer	45	1	0	0	0	0	0	0	0	0	0
Civil Engineer	1,143	84	0	3	0	2	0	0	0	0	0
Control Systems Engineer	28	4	0	1	0	1	0	0	0	0	0
Electrical Engineer	407	4	0	1	0	1	0	0	0	0	0
Engineer-In-Training	3,173	103	0	54	0	53	0	0	0	0	0
Fire Protection Engineer	55	4	0	1	0	1	0	0	0	0	0
Geologist-In-Training	180	23	0	0	0	0	0	0	0	0	0
Geologist	151	11	0	0	0	0	0	0	0	0	0
Geophysicist	9	0	0	0	0	0	0	0	0	0	0
Geotechnical Engineer	32	1	0	0	0	0	0	0	0	0	0
Industrial Engineer	6	0	0	0	0	0	0	0	0	0	0
Land Surveyor	77	15	0	0	0	0	0	0	0	0	0
Land Surveyor-In-Training	122	14	0	9	0	9	0	0	0	0	0
Mechanical Engineer	466	17	0	2	0	2	0	0	0	0	0
Metallurgical Engineer	10	0	0	0	0	0	0	0	0	0	0
Nuclear Engineer	1	0	0	0	0	0	0	0	0	0	0
Petroleum Engineer	11	0	0	0	0	0	0	0	0	0	0
Structural Engineer	178	4	0	0	0	0	0	0	0	0	0
Traffic Engineer	32	2	0	0	0	0	0	0	0	0	0

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ASSEMBLY BILL 2138

PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR (Continued)

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	5	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	4	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	1	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	1	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
PROFESSIONAL FIDUCIARIES BUREAU									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Professional Fiduciary License	94	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
					Denial	Issued	Withdrawn			
Male	0	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0	0
Nonbinary	0	0	0	0	0	0	0	0	0	0
Decline to State	0	0	0	0	0	0	0	0	0	0
African-American/Black/African-born	0	0	0	0	0	0	0	0	0	0
American Indian/Native American/Alaskan Native	0	0	0	0	0	0	0	0	0	0
Caucasian/White European/Middle Eastern	0	0	0	0	0	0	0	0	0	0
Latino/Hispanic	0	0	0	0	0	0	0	0	0	0
Central American	0	0	0	0	0	0	0	0	0	0
Puerto Rican	0	0	0	0	0	0	0	0	0	0
Cuban	0	0	0	0	0	0	0	0	0	0
South American	0	0	0	0	0	0	0	0	0	0
Mexican	0	0	0	0	0	0	0	0	0	0
Other Hispanic	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0
Cambodian	0	0	0	0	0	0	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0	0
Hmong	0	0	0	0	0	0	0	0	0	0

ASSEMBLY BILL 2138									
PSYCHOLOGY, CALIFORNIA BOARD OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Psychologist	2061	34	1	2	0	2	0	0	1
Psychological Assistant	832	50	2	5	2	3	0	0	0
Registered Psychologist	77	2	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Applicants who Received Notice of Denial or Disqualification of Licensure	Demographic Information		Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
					Denial	Issued		
Male	0	0	0	0	Indian		0	0
Female	0	0	0	0	Indonesian		0	0
Nonbinary	0	0	0	0	Japanese		0	0
Decline to State	0	0	0	0	Korean		0	0
African-American/Black/African-born	0	0	0	0	Laotian		0	0
American Indian/Native American/Alaskan Native	0	0	0	0	Malaysian		0	0
Caucasian/White European/Middle Eastern	0	0	0	0	Pakistani		0	0
Latino/Hispanic	0	0	0	0	Singaporean		0	0
Central American	0	0	0	0	Thai		0	0
Puerto Rican	0	0	0	0	Vietnamese		0	0
Cuban	0	0	0	0	Other Asian		0	0
South American	0	0	0	0	Native Hawaiian/Pacific Islander		0	0
Mexican	0	0	0	0	Fijian		0	0
Other Hispanic	0	0	0	0	Filipino		0	0
Asian	0	0	0	0	Guamanian		0	0
Cambodian	0	0	0	0	Hawaiian		0	0
Chinese	0	0	0	0	Samoan		0	0
Hmong	0	0	0	0	Tongan		0	0
					Other Pacific Islander		0	0
					Other Not Listed Above		0	0

ASSEMBLY BILL 2138									
REAL ESTATE APPRAISERS, BUREAU OF									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Issued
Trainee (AT)	221	6	0	0	0	0	0	0	0
Residential (AL)	51	6	0	0	0	0	0	0	0
Certified Residential (AR)	53	7	0	0	0	0	0	0	0
Certified General (AG)	64	33	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Applicants who Received Notice of Denial or Disqualification of Licensure	Demographic Information			Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
					Denial	Issued	Withdrawn		
Male	0	0	0	0	Indian			0	0
Female	0	0	0	0	Indonesian			0	0
Nonbinary	0	0	0	0	Japanese			0	0
Decline to State	0	0	0	0	Korean			0	0
African-American/Black/African-born	0	0	0	0	Laotian			0	0
American Indian/Native American/Alaskan Native	0	0	0	0	Malaysian			0	0
Caucasian/White European/Middle Eastern	0	0	0	0	Pakistani			0	0
Latino/Hispanic	0	0	0	0	Singaporean			0	0
Central American	0	0	0	0	Thai			0	0
Puerto Rican	0	0	0	0	Vietnamese			0	0
Cuban	0	0	0	0	Other Asian			0	0
South American	0	0	0	0	Native Hawaiian/Pacific Islander			0	0
Mexican	0	0	0	0	Fijian			0	0
Other Hispanic	0	0	0	0	Filipino			0	0
Asian	0	0	0	0	Guamanian			0	0
Cambodian	0	0	0	0	Hawaiian			0	0
Chinese	0	0	0	0	Samoan			0	0
Hmong	0	0	0	0	Tongan			0	0
					Other Pacific Islander			0	0
					Other Not Listed Above			0	0

ASSEMBLY BILL 2138												
REGISTERED NURSING, BOARD OF												
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome			
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn	
Clinical Nurse Specialist Certificate	94	0	0	0	0	0	0	0	0	0	0	
Continuing Education Provider (BRN)	148	0	0	0	0	0	0	0	0	0	0	
Nurse Anesthetist Certificate	235	0	0	0	0	0	0	0	0	0	0	
Nurse Midwife Certificate	74	0	0	0	0	0	0	0	0	0	0	
Nurse Midwife Furnishing Certificate	76	0	0	0	0	0	0	0	0	0	0	
Nurse Practitioner Certificate	3,654	0	0	0	0	0	0	0	0	0	0	
Nurse Practitioner Furnishing Certificate	3,176	0	0	0	0	0	0	0	0	0	0	
Psychiatric Mental Health Certificate	71	0	0	0	0	0	0	0	0	0	0	
Public Health Nurse Certificate	2,824	0	0	0	0	0	0	0	0	0	0	
Registered Nurse	41,573	376	37	224	4	206	2	23	1	8	2	

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138

RESPIRATORY CARE BOARD OF CALIFORNIA

License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Respiratory Care Practitioner	1,538	181	1	46	0	46	0	1	1	0	1	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	1	9	0
Female	0	7	0
Nonbinary	0	0	0
Decline to State	0	2	0
African-American/Black/African-born	0	1	0
American Indian/Native American/Alaskan Native	1	1	0
Caucasian/White European/Middle Eastern	0	6	0
Latino/Hispanic	0	6	0
Central American	0	0	0
Puerto Rican	0	1	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	3	0
Other Hispanic	0	0	0
Asian	0	1	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138											
SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF											
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome		
					Denial	Issued	Withdrawn		Denial	Issued	Withdrawn
Repossession Agency Qualified Manager	10	6	0	0	0	0	0	0	0	0	0
Security Guard	65,176	13,079	1,980	161	80	81	0	349	268	81	2
Training Facility (Firearm)	35	0	0	0	0	0	0	0	0	0	0
Train Facility (Baton)	22	0	0	0	0	0	0	0	0	0	0
Firearm Permit	12,694	1,868	1,868	0	0	0	0	0	0	0	0
Private Patrol Operator	658	1	1	0	0	0	0	0	0	0	0
Private Patrol Operator Branch	31	2	2	0	0	0	0	0	0	0	0
Firearm Instructor	73	4	0	0	0	0	0	0	0	0	0
Baton Instructor	27	2	0	0	0	0	0	0	0	0	0
Proprietary Private Security Officer	1,916	247	18	1	0	1	0	4	3	1	0
Proprietary Private Security Officer Employer	145	15	15	0	0	0	0	0	0	0	0
Alarm Company Employee	4,640	797	47	3	0	3	0	21	17	4	1
Alarm Company Operator	120	0	0	0	0	0	0	0	0	0	0
Alarm Company Qualified Manager	56	28	0	0	0	0	0	0	0	0	0
Alarm Company Branch	40	0	0	0	0	0	0	0	0	0	0
Repossession Agency Employee	127	57	1	1	0	1	0	1	0	1	0
Repossession Agency	42	0	0	0	0	0	0	0	0	0	0
Private Investigator	344	2	1	0	0	0	0	1	0	0	0
Private Investigator Branch	31	0	0	0	0	0	0	0	0	0	0
Baton Permits	2,947	0	0	0	0	0	0	0	0	0	0
Locksmith Employee	293	49	1	0	0	0	0	0	0	0	0
Locksmith Company	266	0	0	0	0	0	0	0	0	0	0
Locksmith Company Branch	23	0	0	0	0	0	0	0	0	0	0

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ASSEMBLY BILL 2138

SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF (Continued)

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	6	6	6
Female	1	1	1
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	4	4	4
American Indian/Native American/Alaskan Native	1	1	1
Caucasian/White European/Middle Eastern	2	2	2
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	1	1	1
Mexican	0	0	0
Other Hispanic	1	1	1
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Lactian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138										
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Aide	36	2	0	0	0	0	0	0	0	0
Audiologist	41	1	0	0	0	0	0	0	0	0
Hearing Aid Dispenser	151	0	0	0	0	0	0	0	0	0
Hearing Aid Dispenser Trainee	95	0	0	0	0	0	0	0	0	0
Required Professional Experience	1,055	8	0	0	0	0	0	0	0	0
Speech-Language Pathologist	1,790	15	1	0	0	0	0	0	0	0
Speech-Language Pathology Assistant	551	9	2	2	1	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138									
STRUCTURAL PEST CONTROL BOARD									
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	
					Denial	Issued	Withdrawn	Denial	Withdrawn
Applicator	3,464	33	25	21	15	1	1	9	1
Field Representative	5,757	24	9	7	2	5	0	5	0
Operator	527	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome			Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
				Denial	Issued	Withdrawn			
Male	4	9	1						
Female	0	1	0						
Nonbinary	0	0	0						
Decline to State	0	0	0						
African-American/Black/African-born	0	0	0						
American Indian/Native American/Alaskan Native	0	1	0						
Caucasian/White European/Middle Eastern	3	6	1						
Latino/Hispanic	1	3	0						
Central American	0	0	0						
Puerto Rican	0	0	0						
Cuban	0	0	0						
South American	0	0	0						
Mexican	0	0	0						
Other Hispanic	0	0	0						
Asian	0	0	0						
Cambodian	0	0	0						
Chinese	0	0	0						
Hmong	0	0	0						

ASSEMBLY BILL 2138										
VETERINARY MEDICAL BOARD										
License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure	Outcome	
					Denial	Issued	Withdrawn		Denial	Issued
Veterinarian	828	8	1	0	0	0	0	0	0	0
Registered Veterinary Technician	993	17	0	0	0	0	0	0	0	0
Veterinarian Intern	38	0	0	0	0	0	0	0	0	0
Veterinary Assistant Controlled Substances Permit	1,889	40	2	0	0	0	0	0	0	0
University Veterinarian License	25	0	0	0	0	0	0	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	0	0
Female	0	0	0
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	0	0
Latino/Hispanic	0	0	0
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoan	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	0	0

ASSEMBLY BILL 2138

VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, BOARD OF

License Type	Total Number of Applications Received	Applications Requiring Inquiries Regarding Criminal History	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Outcome			Applicants who Appealed Any Denial or Disqualification of Licensure			Outcome		
					Denial	Issued	Withdrawn	Denial	Issued	Withdrawn	Denial	Issued	Withdrawn
Vocational Nursing	9,351	177	29	177	6	162	0	8			2	5	1
Psychiatric Technician	396	14	3	14	0	14	0	3			1	2	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Male	0	1	0
Female	0	2	1
Nonbinary	0	0	0
Decline to State	0	0	0
African-American/Black/African-born	0	0	0
American Indian/Native American/Alaskan Native	0	0	0
Caucasian/White European/Middle Eastern	0	2	0
Latino/Hispanic	0	1	1
Central American	0	0	0
Puerto Rican	0	0	0
Cuban	0	0	0
South American	0	0	0
Mexican	0	0	0
Other Hispanic	0	0	0
Asian	0	0	0
Cambodian	0	0	0
Chinese	0	0	0
Hmong	0	0	0

Demographic Information	Applicants who Received Notice of Denial or Disqualification of Licensure	Applicants who Provided Evidence of Mitigation or Rehabilitation	Applicants who Appealed Any Denial or Disqualification of Licensure
Indian	0	0	0
Indonesian	0	0	0
Japanese	0	0	0
Korean	0	0	0
Laotian	0	0	0
Malaysian	0	0	0
Pakistani	0	0	0
Singaporean	0	0	0
Thai	0	0	0
Vietnamese	0	0	0
Other Asian	0	0	0
Native Hawaiian/Pacific Islander	0	0	0
Fijian	0	0	0
Filipino	0	0	0
Guamanian	0	0	0
Hawaiian	0	0	0
Samoa	0	0	0
Tongan	0	0	0
Other Pacific Islander	0	0	0
Other Not Listed Above	0	1	0

Pg. 207 **Section 139 Report**

Pg. 218 **Expenditure Categories**

Pg. 221 **Fund Conditions**

Pg. 224 **Revenue Sources**

Section 139 Report

EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis						COSTS (INTHOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year				
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)			
			B&P	CCR		NAT'L	CAL										
ACCOUNTANCY, CALIFORNIA BOARD OF	CERTIFIED PUBLIC ACCOUNTANT (CPA)	UNIFORM CERTIFIED PUBLIC ACCOUNTANT EXAMINATION (CPA EXAM)	5092 5093	9.2	OA: INTERNAL/ EXTERNAL REVIEW AS NEEDED	2019		2019	CRITERION- REFERENCED	X	\$0	\$0	\$651	\$0			
		PROFESSIONAL ETHICS FOR CERTIFIED PUBLIC ACCOUNTANTS – SUPPLEMENTAL EXAMINATION	5018 5092 5093	10	EXTERNAL REVIEW EVERY 3 YEARS		2016	2016	SET IN REGULATION		\$0	\$0	\$0	\$0			
ACUPUNCTURE BOARD	ACUPUNCTURE	CALIFORNIA ACUPUNCTURE LICENSING EXAMINATION	4938 4939 4941	1399.415 1399.416 1399.425 1399.434	OA BY OPES; EVERY 5 YEARS		2021	2015	MODIFIED ANGOFF	X	\$72	\$197	\$11	\$0			
ARCHITECTS BOARD, CALIFORNIA	ARCHITECT	ARCHITECT REGISTRATION EXAMINATION (ARE)	5550 5552	116	INTERNAL REVIEW; AS NECESSARY	2012		2012	MODIFIED ANGOFF	X	\$2	\$6	\$77	\$11			
		CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)				2020	2014		\$48		\$171	\$103	\$10				
AUTOMOTIVE REPAIR, BUREAU OF	SMOG CHECK	SMOG CHECK INSPECTOR	HEALTH & SAFETY CODE 4401.4 44031.5	3340.28 3340.29	INTERNAL REVIEW EVERY 5 YEARS		2016	2016	MODIFIED ANGOFF	X	\$0	\$5	\$73	\$14			
		SMOG CHECK REPAIR TECHNICIAN				2021	2015	\$41			\$58	\$27	\$19				
	BRAKE ADJUSTER (A,B,C)	BRAKE ADJUSTER	9887.2	3310		2018	2018	2018	\$0		\$0	\$40	\$10				
	LAMP ADJUSTER	LAMP ADJUSTER				2018	2018	2018	\$0		\$0	\$21	\$12				
BARBERING AND COSMETOLOGY, BOARD OF	BARBER	BARBER	7321.5		EXTERNAL REVIEW AS NEEDED	2018	2019	2018	MODIFIED ANGOFF (FIRST FORM OF OA) EQUATING (SUBSEQUENT FORMS)	X							
	COSMETOLOGIST	COSMETOLOGIST	7321	909 910 924 926			2015	2015									
	ELECTROLOGIST	ELECTROLOGIST	7330			2018	2020	2018			\$58.8	\$0	\$4,240	\$0			
	ESTHETICIAN	ESTHETICIAN	7324			2020	2021	2018									
	MANICURIST	MANICURIST	7326	909 910		2020	2021	2020									

¹ Prerequisites for admittance to the examination are mandated by Business and Professions (B&P) Code and/or California Code of Regulations (CCR) and assessed using a number of methods, including national standards and regulatory review. CCR codes are title 16 unless otherwise indicated.

² Methods used to establish passing scores vary across examination administrations and are based on minimum competence criteria necessary for licensure.

³ Included are costs for personnel required to perform these functions.

⁴ The date in the "OA Year Current Exam is Based" column may be earlier than the date in the "Year of Most Recent OA" column. The current examination may be based on the OA preceding the most recent OA. It takes a significant amount of time to update an examination after a new OA is completed.

Section 139 Report

EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis				COSTS (INTHOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year			
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)
			B&P	CCR		NAT'L	CAL							
BEHAVIORAL SCIENCES, BOARD OF	LICENSED CLINICAL SOCIAL WORKER (LCSW)	CALIFORNIA LCSW LAW AND ETHICS	4992.05 (b)		OA: ANNUAL INTERNAL/ EXTERNAL REVIEW		2021	2015			\$28.6	\$23.7		
		ASSOCIATION OF SOCIAL WORK BOARD (ASWB) CLINICAL EXAMINATION NATIONAL EXAM	4992.05(c) (1-3)			2018		2018			\$0	\$0		
	LICENSED EDUCATIONAL PSYCHOLOGIST (LEP)	CALIFORNIA LEP	4989.20(A)(7)				2015	2015			\$0	\$23.9		
	LICENSED PROFESSIONAL CLINICAL COUNSELOR (LPCC)	CALIFORNIA LPCC LAW AND ETHICS	4999.53(a)(1)				2018	2015	MODIFIED ANG OFF	X	\$0	\$19.2	\$0	\$0
		NATIONAL BOARD OF CERTIFIED COUNSELORS NATIONAL CLINICAL MENTAL HEALTH COUNSELOR EXAMINATION (NBCC-NCMHCE)	4993.53(c) (1-3)			2019		2019			\$0	\$0		
	LICENSED MARRIAGE AND FAMILY THERAPIST (LMFT)	CALIFORNIA LMFT LAW AND ETHICS	4980.397(a) (1)				2020	2015			\$0	\$13.5		
		CALIFORNIA LMFT CLINICAL	4980.397 (c)(1-3)				2020	2020			\$0	\$26.2		
CEMETERY AND FUNERAL BUREAU	CEMETERY BROKER	CEMETERY BROKER	7651 7651.1 7651.2		ANNUAL INTERNAL REVIEW		2020	2013	MODIFIED ANG OFF	X	\$4.9	\$22.3	\$0.5	
	CEMETERY MANAGER	CEMETERY MANAGER	7653.7	2326.1(a)(1)			2019	2019			\$0	\$0	\$0.6	
	CREMATORY MANAGER	CREMATORY MANAGER	7712.1 7713.1	2326.1(b)			2018	2018			\$0	\$0	\$1.0	
	EMBALMER	NATIONAL BOARD EXAM (NBE), SCIENCES SECTION, INTERNA- TIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS	7642 7643 7646	1235		2017		2017	CRITERION- REFERENCED		\$0	\$0	\$0.9	
		EMBALMER CALIFORNIA LAW	7642 7643 7646				2021	2014	MODIFIED ANG OFF		\$39.8	\$2.1		\$0
	FUNERAL DIRECTOR	FUNERAL DIRECTOR	7618 7619				2017	2017			\$0	\$0	\$6.5	\$0
CHIROPRACTIC EXAMINERS, BOARD OF	DOCTOR OF CHIROPRACTIC	NATIONAL BOARD OF CHIROPRACTIC EXAMINERS EXAMINATION	SECTION 6, CHIROPRACTIC INITIATIVE ACT		INTERNAL 5 YEARS	2020	2017	2020	MODIFIED ANG OFF	X	\$0	\$0	\$0	\$0
		CALIFORNIA CHIROPRACTIC LAW EXAMINATION (CCLE)	SECTION 5, CHIROPRACTIC INITIATIVE ACT				2017	2017			\$0	\$18.2	\$0	\$0

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EXAMINATION PROGRAM			PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis				COSTS (IN THOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year				
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)
			B&P	CCR		NAT'L	CAL							
CONTRACTORS STATE LICENSE BOARD	A	GENERAL ENGINEERING	7056-7058	825 826	INTERNAL REVIEW AS NEEDED		2019	2019		X	\$0	\$21.6	\$19.1	\$6.2
	B	GENERAL BUILDING					2019	2019			\$0	\$0	\$19.1	\$6.2
	B-2	RESIDENTIAL REMODELING					2020	2020			\$42.5	\$21.6	\$0	\$6.2
	C-2	INSULATION AND ACOUSTICAL					2017	2017			\$42.5	\$0	\$19.1	\$6.2
	C-4	BOILER, HOT WATER HEATING, AND STEAM FITTING					2016	2016			\$42.5	\$0	\$19.1	\$6.2
	C-5	FRAMING AND ROUGH CARPENTRY					2019	2019			\$0	\$0	\$19.1	\$6.2
	C-6	CABINET, MILLWORK, AND FINISH CARPENTRY					2020	2014			\$0	\$21.6	\$19.1	\$6.2
	C-7	LOW VOLTAGE SYSTEMS					2016	2016			\$42.5	\$0	\$19.1	\$6.2
	C-8	CONCRETE					2021	2015			\$42.5	\$0	\$19.1	\$6.2
	C-9	DRYWALL					2020	2015			\$0	\$0	\$19.1	\$6.2
	C-10	ELECTRICAL					2018	2018			\$0	\$0	\$19.1	\$6.2
	C-11	ELEVATOR					2019	2014			\$0	\$0	\$19.1	\$6.2
	C-12	EARTHWORK AND PAVING					2016	2016			\$0	\$0	\$19.1	\$6.2
	C-13	FENCING					2018	2018			\$0	\$0	\$19.1	\$6.2
	C-15	FLOORING AND FLOOR COVERING					2020	2014			\$0	\$21.6	\$19.1	\$6.2
	C-16	FIRE PROTECTION					2021	2016			\$42.5	\$21.6	\$19.1	\$6.2
	C-17	GLAZING					2021	2015			\$42.5	\$0	\$19.1	\$6.2
	C-20	WARM AIR HEATING, VENTILAT- ING, AND AIR CONDITIONING					2020	2014			\$0	\$21.6	\$19.1	\$6.2
	C-21	BUILDING MOVING AND DEMOLITION					2018	2018			\$0	\$0	\$19.1	\$6.2
	C-22	ASBESTOS ABATEMENT					2018	2018			\$0	\$0	\$19.1	\$6.2
	C-23	ORNAMENTAL METAL					2019	2019			\$0	\$21.6	\$19.1	\$6.2
	C-27	LANDSCAPING					2020	2015			\$42.5	\$21.6	\$19.1	\$6.2
	C-28	LOCK AND SECURITY EQUIPMENT					2019	2013			\$0	\$21.6	\$19.1	\$6.2
	C-29	MASONRY					2020	2015			\$42.5	\$0	\$19.1	\$6.2
	C-31	CONSTRUCTION ZONE TRAFFIC CONTROL					2021	2015			\$42.5	\$0	\$19.1	\$6.2
	C-32	PARKING AND HIGHWAY IMPROVEMENT					2020	2015			\$42.5	\$21.6	\$19.1	\$6.2
	C-33	PAINTING AND DECORATING					2021	2015			\$42.5	\$21.6	\$19.1	\$6.2
	C-34	PIPELINE					2018	2018			\$0	\$0	\$19.1	\$6.2
	C-35	LATHING AND PLASTERING					2019	2019			\$0	\$0	\$19.1	\$6.2
	C-36	PLUMBING					2019	2019			\$0	\$21.6	\$19.1	\$6.2
	C-38	REFRIGERATION					2018	2018			\$0	\$0	\$19.1	\$6.2

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² Methods used to establish passing scores vary across examination administrators and are based on minimum competence criteria necessary for licensure.

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EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination		EXAMINATION VALIDATION ² OA = Occupational Analysis					COSTS (IN THOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year				
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)	
			B&P	CCR		NAT'L	CAL								
CONTRACTORS STATE LICENSE BOARD (CONTINUED)	C-39	ROOFING	7056–7058	825 826	INTERNAL REVIEW AS NEEDED		2021	2015	MODIFIED ANG OFF	X	\$42.5	\$0	\$19.1	\$6.2	
	C-42	SANITATION SYSTEM					2017	2017			\$0	\$0	\$19.1	\$6.2	
	C-43	SHEET METAL					2020	2014			\$0	\$21.6	\$19.1	\$6.2	
	C-45	SIGN					2018	2018			\$0	\$0	\$19.1	\$6.2	
	C-46	SOLAR					2017	2017			\$0	\$0	\$19.1	\$6.2	
	C-47	GENERAL MANUFACTURED HOUSING					2018	2018			\$0	\$0	\$19.1	\$6.2	
	C-50	REINFORCING STEEL					2018	2018			\$0	\$0	\$19.1	\$6.2	
	C-51	STRUCTURAL STEEL					2019	2019			\$0	\$0	\$19.1	\$6.2	
	C-53	SWIMMING POOL					2021	2016			\$42.5	\$0	\$19.1	\$6.2	
	C-54	CERAMIC AND MOSAIC TILE					2021	2016			\$42.5	\$0	\$19.1	\$6.2	
	C-55	WATER CONDITIONING					2018	2018			\$0	\$0	\$19.1	\$6.2	
	C-57	WELL DRILLING					2017	2017			\$0	\$0	\$19.1	\$6.2	
	C-60	WELDING					2018	2018			\$0	\$0	\$19.1	\$6.2	
	ASB	ASBESTOS CERTIFICATION					2020	2015			\$42.5	\$0	\$19.1	\$6.2	
	HAZ	HAZARDOUS SUBSTANCE REMOVAL CERTIFICATION					2017	2017			\$0	\$0	\$19.1	\$6.2	
	LAW	LAW AND BUSINESS					2020	2015			\$42.5	\$21.6	\$19.1	\$6.2	
COURT REPORTERS, BOARD OF CALIFORNIA	CERTIFIED SHORTHAND REPORTER (CSR)	CERTIFIED SHORTHAND REPORTER, PRACTICAL			OA: INTERNAL/ EXTERNAL REVIEW		2017	2017	SPECIFIED IN STATUTE	N/A	\$0	\$80	\$48	\$3	
		CERTIFIED SHORTHAND REPORTER, ENGLISH	8020	2418			2017		MODIFIED ANG OFF	X					
		CERTIFIED SHORTHAND REPORTER, PROFESSIONAL PRACTICE													
DENTAL BOARD OF CALIFORNIA	DENTIST	PORTFOLIO	1632 (c)(1)	1028(a) 1032 1032.3	INTERNAL/ EXTERNAL REVIEW AS NEEDED		2013	2013	CRITERION- REFERENCED	X	\$0	\$0			
		WREB	1632(c)(2)(A)	1028(a)		2019	2019								
		ADEX	1632(c)(2)(B)			2018	2018	\$0			\$70				
	REGISTERED DENTAL ASSISTANT	LAW AND ETHICS	1632(B)	1028.5			2018	2018							
		GENERAL WRITTEN AND LAW AND ETHICS	1752.1	1076 1077			2018	2018	\$0		\$50	\$0	\$0		
		WRITTEN	1753	1076 1077.1			2016	2016	\$24		\$39				
		PRACTICAL/CLINICAL					2016	2016							
	ORTHODONTIC ASSISTANT	WRITTEN	1750.2				2021	2010	\$68		\$31				
		DENTAL SEDATION ASSISTANT	1750.4				2010	2010							

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BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)	
			B&P	CCR		NAT'L	CAL								
DENTAL HYGIENE BOARD OF CALIFORNIA	REGISTERED DENTAL HYGIENIST (RDH)	NATIONAL BOARD DENTAL HYGIENE EXAMINATION (NBDHE)	1917	1082	EXTERNAL REVIEW EVERY 5 YEARS	2019		2019	CRITERION- REFERENCED	X	\$0	\$9	\$0	\$0	
		WESTERN REGIONAL EXAMINATION BOARD (WREB)		2019			2019								
		CENTRAL REGIONAL DENTAL TESTING SERVICES (CRDTS)	1082.1	2019			2019	N/A							
		COMMISSION ON DENTAL COMPETENCY ASSESSMENTS (CDOCA)/AMERICAN BOARD OF DENTAL EXAMINERS (ADEX)* MANKIN-BASED CLINICAL EXAMINATION ONLY; TEMPORARY ACCEPTANCE DUE TO COVID-19 PANDEMIC													
		CALIFORNIA LAW AND ETHICS EXAMINATION (FOR RDHs)				2019	\$29								
	REGISTERED DENTAL HYGIENIST IN ALTERNATIVE PRACTICE (RDHAP)	CALIFORNIA LAW AND ETHICS EXAMINATION (FOR RDHAPs)	1922	1082.3	INTERNAL REVIEW EVERY 3 YEARS		2019	2019	SPECIFIED IN STATUTE	\$0	\$29	\$0			
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR PROFESSIONAL	AGRICULTURAL AND BIOLOGICAL ENGINEER (NATIONAL)	6704 6732 6750-59	404 420-422 424 427.10 438	OA: INTERNAL/ EXTERNAL REVIEW AS NEEDED	2021		2013	MODIFIED ANG OFF	X		\$0 TOTAL COST FOR ALL PROGRAMS	\$1,714: TOTAL COST FOR ALL PROGRAMS	\$147 TOTAL COST FOR ALL PROGRAMS	\$120 TOTAL COST FOR ALL PROGRAMS	
	CHEMICAL ENGINEER (NATIONAL)				2020		2020								
	CIVIL ENGINEER (NATIONAL)	6702 6704 6731 6731.1 6750-59	404 420-422 424 427.10 438		2013		2013								
	CIVIL ENGINEER (CALIFORNIA)				SEISMIC PRINCIPLES/ ENGINEERING SURVEY		2017			2017					
	CONTROL SYSTEMS ENGINEER (NATIONAL)	PE CONTROL SYSTEMS	6704 6732 6750-59		404 420-422 424 427.10 438	2019				2019					

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* The manikin-based examinations administered by COCA/ADEX, WREB, and CROTS were temporarily accepted by the Board from August 29, 2020, until July 1, 2021, unless extended, due to the pandemic.

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EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis				COSTS (INTHOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year			
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)
			B&P	CCR		NAT'L	CAL							
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR PROFESSIONAL (CONTINUED)	ELECTRICAL ENGINEER (NATIONAL)	PE ELECTRICAL	6702.1 6704 6750-59	404 420-422 424	OA: INTERNAL/ EXTERNAL REVIEW AS NEEDED	2018		2018	MODIFIED ANGOFF	X	\$0 TOTAL COST FOR ALL PROGRAMS	\$1,714 TOTAL COST FOR ALL PROGRAMS	\$147 TOTAL COST FOR ALL PROGRAMS	\$120: TOTAL COST FOR ALL PROGRAMS
	ENGINEER-IN-TRAIN- ING (EIT) (NATIONAL)	FUNDAMENTALS OF ENGINEER- ING (FE)	6704 6750-59	424 427.10 438		2020		2020						
	FIRE PROTECTION ENGINEER (NATIONAL)	PE FIRE PROTECTION	6704 6732 6750-59	404 420-422 424 426.50 426.51 427.20		2018		2018						
	GEOTECHNICAL ENGI- NEER (CALIFORNIA)	GEOTECHNICAL ENGINEER	6730.2 6736.1	404 420-422 424 426.50 426.51 427.20			2018	2018						
	INDUSTRIAL ENGINEER (NATIONAL)	PE INDUSTRIAL	6704 6732 6750-59	404 420-422 424 427.10 438		2020		2020						
	LAND SURVEYOR (NATIONAL)	PRINCIPLES OF SURVEYING	8741-8743	404 420-422 424 427.10 438		2019		2019						
	LAND SURVEYOR (CALIFORNIA)	PROFESSIONAL LAND SURVEYOR	8708 8741-8743	404 420-422 424 427.10 438			2018	2018						
	LAND SURVEYOR-IN- TRAINING (NATIONAL)	FUNDAMENTALS OF SURVEYING	8741-8743	404 420-422 424 438		2020		2020						
	MECHANICAL ENGINEER (NATIONAL)	PE MECHANICAL	6702.2 6704 6750-59	404 420-422 424 427.10 438		2020		2020						
	METALLURGICAL ENGINEER (NATIONAL)	PE METALLURGICAL AND MATERIALS		404 420-422 424 427.10 438		2014		2014						
	NUCLEAR ENGINEER (NATIONAL)	PE NUCLEAR	6704 6732 6750-59	404 420-422 424 427.10 438		2018		2018						
	PETROLEUM ENGINEER (NATIONAL)	PE PETROLEUM				2019		2019						

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BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)
			B&P	CCR		NAT'L	CAL							
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR PROFESSIONAL GEOLOGIST (CONTINUED)	STRUCTURAL ENGINEER (NATIONAL)	LATERAL FORCES VERTICAL FORCES	6730.2 6736 6763.1	404 420-422 424 426.10- 426.14 427.30 404 420-422 424 427.10, 438	OA: INTERNAL/ EXTERNAL REVIEW AS NEEDED	2018		2018	MODIFIED ANGOFF	X	\$10 TOTAL COST FOR ALL PROGRAMS	\$1,714 TOTAL COST FOR ALL PROGRAMS	\$147 TOTAL COST FOR ALL PROGRAMS	\$120 TOTAL COST FOR ALL PROGRAMS
			6704 6732 6750-59				2017	2017						
	TRAFFIC ENGINEER (CALIFORNIA)	TRAFFIC ENGINEER												
	PROFESSIONAL GEOLOGIST (CALIFORNIA)	FUNDAMENTALS OF GEOLOGY PRACTICE OF GEOLOGY CALIFORNIA SPECIFIC (CSE)	7843			2015		2015						
			7841			2015		2015						
	PROFESSIONAL GEOLOGIST (CALIFORNIA)	PROFESSIONAL GEOPHYSICIST (PGP)	7841.1				2019	2019						
PROFESSIONAL FIDUCIARIES BUREAU	CERTIFIED ENGINEERING GEOLOGIST (CALIFORNIA)	CERTIFIED ENGINEERING GEOLOGIST (CEG)	7842	3041	EXTERNAL REVIEW EVERY 4 YEARS; INTERNAL REVIEW AS NEEDED		2019	2019	MODIFIED ANGOFF	X	\$0	\$0	\$0	\$0
	CERTIFIED HYDROGEOLOGIST (CALIFORNIA)	CERTIFIED HYDROGEOLOGIST (CHG)		3042			2019	2019						
	PROFESSIONAL FIDUCIARY (PF)	PROFESSIONAL FIDUCIARY EXAMINATION	6539	4500		2018 (NATIONAL 2017 (CALIFORNIA))	2018 (NATIONAL 2017 (CALIFORNIA))	2019 (NATIONAL 2017 (CALIFORNIA))						
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE	LANDSCAPE ARCHITECT (NATIONAL)	LANDSCAPE ARCHITECT REGISTRATION EXAMINATION (LARE)	5650 5651	2610 2615 2620 2621	INTERNAL REVIEW	2016		2016	MODIFIED ANGOFF	X	\$1	\$2	\$29	\$10
							2020	2014						
	LANDSCAPE ARCHITECT (SUPPLEMENTAL)	CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)												
MEDICAL BOARD OF CALIFORNIA	PHYSICIAN AND SURGEON	UNITED STATES MEDICAL LICENSING EXAMINATION (USMLE)	2170		EXTERNAL REVIEW AS NEEDED	2020		2020	MODIFIED ANGOFF WITH RASCH MODEL EQUATING	X				
	LICENSED MIDWIFE	NORTH AMERICAN REGISTRY OF MIDWIVES (NARM)	2512.5 2513			2016		2016						
	POLYSOMNOGRAPHIC TECHNICIAN	CERTIFIED POLYSOMNOGRAPHIC TECHNICIAN (CPSGT)				2018		2018						
	POLYSOMNOGRAPHIC TECHNOLOGIST	REGISTERED POLYSOMNOGRAPHIC TECHNOLOGIST (RPSBT)	3575			2018		2018						

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BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S) B&P	ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA	OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)				
NATUROPATHIC MEDICINE COMMITTEE	NATUROPATHIC DOCTOR	NATUROPATHIC PHYSICIANS LICENSING EXAMINATIONS (INPLEX) I & II	3630 3631	OA: EXTERNAL REVIEW EVERY 5 YEARS	2015	2015	MODIFIED ANGOFF	X								
OCCUPATIONAL THERAPY, CALIFORNIA BOARD OF	OCCUPATIONAL THERAPIST	REGISTERED OCCUPATIONAL THERAPIST (OTR)	2570.6	OA: EXTERNAL REVIEW	2017	2017	MODIFIED ANGOFF	X								
	OCCUPATIONAL THERAPY ASSISTANT	CERTIFIED OCCUPATIONAL THERAPY ASSISTANT (COTA)														
OPTOMETRY, CALIFORNIA STATE BOARD OF	OPTOMETRIST (OPT)	NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBEO)-APPLIED BASIC SCIENCE (PART I); PATIENT ASSESSMENT AND MANAGEMENT (PART II); CLINICAL SKILLS (PART III)	3041.2 3046	EXTERNAL THROUGH NBEO	2016	2016										
		CALIFORNIA LAW AND REGULATIONS EXAMINATION (CLRE)		EXTERNAL THROUGH OPES/ PSI	2019	2019	MODIFIED ANGOFF	X					\$28	\$34	\$0	\$5
	SPECTACLE LENS DISPENSER	AMERICAN BOARD OF OPTICIANRY (ABO) – SPECTACLE EXAM	2559.2	EXTERNAL THROUGH ABO	2019	2019										
	CONTACT LENS DISPENSER	NATIONAL CONTACT LENS EXAMINERS (NCLE) – CONTACT LENS EXAM	2561	EXTERNAL THROUGH NCLE	2019	2019										
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA	OSTEOPATHIC PHYSICIAN AND SURGEON	COMLEX-USA LEVEL 1	2099.5	EXTERNAL REVIEW EVERY 3–5 YEARS	2016	2016	MODIFIED ANGOFF	X								
		COMLEX-USA LEVEL 2 (CE)														
		COMLEX-USA LEVEL 2 (PE)														
	POSTGRADUATE TRAINING LICENSE	COMLEX-USA LEVEL 3	2064.5		2016	2016		X								
PHARMACY, CALIFORNIA STATE BOARD OF	PHARMACIST	CALIFORNIA PRACTICE AND JURISPRUDENCE EXAMINATION FOR PHARMACISTS (CPJE)	1719 1720 1720.1 1721 1723.1 1724 1725 1728 1749	OA: INTERNAL/ EXTERNAL REVIEW	2014	2014	MODIFIED ANGOFF/ EQUATING						\$0	\$223	\$224	\$138
		NORTH AMERICAN PHARMACIST LICENSURE EXAMINATION (NAPLEX)	4200 4200.1 4200.2 4200.3 4200.4 4209 4400	OA	2020	2020		X								
	PHARMACY TECHNICIAN	PHARMACY TECHNICIAN CERTIFICATION EXAMINATION (PTCB)	1749 1793 1793.2 1793.5	OA	2016	2016	ANGOFF									
		EXAM FOR THE CERTIFICATION OF PHARMACY TECHNICIANS (EXCPT)	4202 4400	OA	2016	2016	MODIFIED ANGOFF						\$0	\$0	\$0	\$0

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BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)
			B&P	CCR		NAT'L	CAL							
PHYSICAL THERAPY BOARD OF CALIFORNIA	PHYSICAL THERAPIST (PT)	NATIONAL PHYSICAL THERAPY EXAMINATION (NPTE)	1398.25 1398.26 1398.26.1 1398.26.5 1398.30 1398.32	OA: EVERY 5 YEARS AND AS OTHERWISE DEEMED NECESSARY; ANNUAL DATA COLLECTION	2016		2016	2016	MODIFIED ANGOFF	X	\$0	\$2.5: SHARED WITH PE COSTS	\$5.5	\$2.5: SHARED WITH ED COSTS
		CALIFORNIA LAW EXAMINATION (CAL-LAW)												
	PHYSICAL THERAPIST ASSISTANT (PTA)	NATIONAL PHYSICAL THERAPY EXAMINATION (NPTE)	1398.47 1398.50 1398.51	OA: EVERY 5 YEARS AND AS OTHERWISE DEEMED NECESSARY; ANNUAL DATA COLLECTION	2020		2020	2020						
		CALIFORNIA LAW EXAMINATION (CAL-LAW)												
	PT SPECIALTY CERTIFICATION	KINESIOLOGICAL ELECTROMYOGRAPHY (KEMG)	2620.5	1399.63 1399.65	OA	1990	1990	1990						
		PT SPECIALTY CERTIFICATION												
PHYSICIAN ASSISTANT BOARD	PHYSICIAN ASSISTANT	PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION (PANCE)	3519	1399.507	EXTERNAL PRACTICE ANALYSIS; EVERY 5 TO 7 YEARS	2015		2015	MODIFIED ANGOFF	TWICE YEARLY		\$0		
PODIATRIC MEDICAL BOARD OF CALIFORNIA	DOCTOR OF PODIATRIC MEDICINE (DPM) – RESIDENT (EL)	NBPME PART I	2475.1	1399.668	OA: INTERNAL/ EXTERNAL REVIEW	2016		2016	MODIFIED ANGOFF	X	EXAMINATIONS ADMINISTERED BY THE NATIONAL BOARD OF PODIATRIC MEDICAL EXAMINERS (NBPM) WITH NO EXPENSE TO THE STATE.			
		NBPME PART II					2015							
	DOCTOR OF PODIATRIC MEDICINE (DPM) - PERMANENT (E)	NBPME PART I	2486	1399.660	OA: INTERNAL/ EXTERNAL REVIEW	2021		2015						
		NBPME PART II												
	NBPME PART III													

¹ Prerequisites for admittance to the examination are mandated by Business and Professions (B&P) Code and/or California Code of Regulations (CCR) and assessed using a number of methods, including national standards and regulatory review. CCR codes are title 16 unless otherwise indicated.

² Methods used to establish passing scores vary across examination administrations and are based on minimum competence criteria necessary for licensure.

³ Included are costs for personnel required to perform these functions.

⁴ The date in the "OA Year Current Exam is Based" column may be earlier than the date in the "Year of Most Recent OA" column. The current examination may be based on the OA preceding the most recent OA. It takes a significant amount of time to update an examination after a new OA is completed.

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EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis					COSTS (IN THOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year			
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)	
			B&P	CCR		NAT'L	CAL								
PSYCHOLOGY, CALIFORNIA BOARD OF	PSYCHOLOGIST	EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY (EPPP)	2914	1388	INTERNAL/EXTERNAL (AS NEEDED)	2016		2016	MODIFIED ANGOFF	X					
		CALIFORNIA PSYCHOLOGY LAWS AND ETHICS EXAMINATION (CPLEE)				2019		2012				\$26	\$65	\$144	\$0
REAL ESTATE APPRAISERS, BUREAU OF	LICENSED RESIDENTIAL APPRAISER	LICENSED RESIDENTIAL APPRAISER													
	CERTIFIED RESIDENTIAL APPRAISER	CERTIFIED RESIDENTIAL APPRAISER	11340	3621 (TITLE 10)	EXTERNAL REVIEW	2020		2014	MODIFIED ANGOFF	X					
	CERTIFIED GENERAL APPRAISER	CERTIFIED GENERAL APPRAISER													
REGISTERED NURSING, CALIFORNIA BOARD OF	REGISTERED NURSE	NATIONAL COUNCIL OF STATE BOARDS OF NURSING (NCSBN) NCLEX-RN	144 2736	1412 1426	OA: INTERNAL AND EXTERNAL REVIEW: INTERNAL REVIEW EVERY 5 YEARS AND AS NEEDED, EXTERNAL REVIEW EVERY 3 YEARS	2017		2017	ITEM RESPONSE THEORY	X	\$0	\$0	\$19.7	\$0	
RESPIRATORY CARE BOARD OF CALIFORNIA	RESPIRATORY CARE PRACTITIONER	THERAPIST MULTIPLE CHOICE (TMC)	3740		OA; ONGOING INTERNAL REVIEW	2017		2017	MODIFIED ANGOFF	X	\$0			\$11	
		CLINICAL SIMULATION (CS)				2017		2017	CRITERION- REFERENCED						
SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF	ALARM COMPANY OPERATOR	ALARM COMPANY OPERATOR QUALIFIED MANAGER	144 7599				2017	2017			\$0	\$0	\$2.5		
	PRIVATE INVESTIGATOR	PRIVATE INVESTIGATOR QUALIFIED MANAGER	7525 7526 7541	601 620	INTERNAL REVIEW OF QUALIFYING EXPERIENCE/ OA ONGOING		2014	2014	MODIFIED ANGOFF	X	\$0	\$0	\$10.2	\$0	
	PRIVATE PATROL OPERATOR	PRIVATE PATROL OPERATOR QUALIFIED MANAGER	144 7582 7583, 7583.1				2012	2012			\$44.3	\$0	\$17.9		
	REPOSSESSION AGENCY	REPOSSESSION AGENCY QUALIFIED MANAGER	7503 7504	601			2017	2017			\$0	\$0	\$0.3		
SPEECH- LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD	SPEECH-LANGUAGE PATHOLOGIST	THE PRAXIS SERIES	2532.1 2532.2 2532.25	1399.152.3	OA; INTERNAL/ EXTERNAL REVIEW EVERY 5 TO 7 YEARS	2015		2015	MODIFIED TUCKER- ANGOFF	X				\$0	
	AUDILOGIST				2017		2017								
	HEARING AID DISPENSER	CALIFORNIA HEARING AID DISPENSER WRITTEN AND PRACTICAL EXAMINATIONS	2538.24 2538.25	1399.120	OA: INTERNAL/ EXTERNAL REVIEW EVERY 5 TO 7 YEARS	2020	2012 (W) 2020 (P)	MODIFIED TUCKER- ANGOFF			\$0	\$33	\$111	\$0	

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EXAMINATION PROGRAM				PREREQUISITES ¹ for admittance to the examination			EXAMINATION VALIDATION ² OA = Occupational Analysis					COSTS (INTHOUSANDS) ³ ED = Examination Development EA = Examination Administration PE = Program Evaluation PO = Per Occurrence PY = Per Year			
BOARD/BUREAU/ COMMITTEE	LICENSE TYPE(S)	EXAM TITLE(S)	MANDATING CODE(S)		ASSESSMENT METHOD AND FREQUENCY	YEAR OF MOST RECENT OA		OA YEAR CURRENT EXAM IS BASED	PASSING SCORE METHOD	PERIODIC ITEM ANALYSIS	OA (PO)	ED (PY)	EA (PY)	PE (PO)	
			B&P	CCR		NAT'L	CAL								
STRUCTURAL PEST CONTROL BOARD	APPLICATOR	APPLICATOR	8564.5		OA: INTERNAL/ EXTERNAL REVIEW EVERY 5 YEARS		2014	2014	SPECIFIED IN STATUTE	X	\$0	\$23	\$227	\$0	
	FIELD REPRESENTATIVE	BRANCH 1	8563				2019	2019							
		BRANCH 2	8564				2015	2015							
		BRANCH 3	8566				2017	2017							
	OPERATOR	BRANCH 1	8561	1934			2019	2019							
		BRANCH 2	8562			2017	2017								
BRANCH 3		8565			2017	2017									
VETERINARY MEDICAL BOARD	VETERINARIAN	NORTH AMERICAN VETERINARY LICENSING EXAMINATION (NAVLE)	2010		OA: EXTERNAL REVIEW EVERY 7 YEARS	2017		2017	MODIFIED ANGOFF	X	\$0	\$4	\$32	\$14	
			2010.1												
		CALIFORNIA VETERINARY STATE BOARD EXAMINATION (CSB)	4846.1		OA: INTERNAL REVIEW EVERY 5-7 YEARS							\$0	\$31	\$63	\$20
			4846.2			2015.1	2015.2	2013							
		VETERINARY LAW EXAMINATION (VLE)	4848	2021		INTERNAL LAW REVIEW EVERY 1-2 YEARS	2016	2016			2016				
REGISTERED VETERINARY TECHNICIAN	REGISTERED VETERINARY TECHNICIAN	VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)	4839		OA: EXTERNAL REVIEW EVERY 5-7 YEARS	2017	2016	2017			\$0	\$4	\$48	\$14	
			4841.4												
			4841.5												
			2068.5												
			2068.6												
VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, BOARD OF	VOCATIONAL NURSE	NATIONAL COUNCIL LICENSURE EXAMINATION FOR PRACTICAL/ VOCATIONAL NURSES (NCLEX-PN)	2866		OA: EXTERNAL REVIEW EVERY 3 YEARS	2018		2018	MODIFIED ANGOFF	X	\$0				
			(a-d)												
			2873												
			2873.5												
			2882												
PSYCHIATRIC TECHNICIAN	PSYCHIATRIC TECHNICIAN	CALIFORNIA PSYCHIATRIC TECHNICIAN LICENSURE EXAMINATION (PSI EXAM)	4511		OA: EXTERNAL REVIEW EVERY 5 YEARS	2019	2019	2019			\$0	\$11	\$29	\$0	
			(a-d)												
			4531												
			2587												
			2588												

¹ Prerequisites for admittance to the examination are mandated by Business and Professions (B&P) Code and/or California Code of Regulations (CCR) and assessed using a number of methods, including national standards and regulatory review. CCR codes are title 16 unless otherwise indicated.

² Methods used to establish passing scores vary across examination administrations and are based on minimum competence criteria necessary for licensure.

³ Included are costs for personnel required to perform these functions.

⁴ The date in the "OA Year Current Exam is Based" column may be earlier than the date in the "Year of Most Recent OA" column. The current examination may be based on the OA preceding the most recent OA. It takes a significant amount of time to update an examination after a new OA is completed.

Expenditure Categories

FISCAL YEAR 2020–21 NET EXPENDITURES (IN THOUSANDS OF DOLLARS)									
	Fund Number and Name	From FM 13 FISCAL Expenditure Report (a)			From FM 13 FISCAL Revenue Report (a)		From FM 13 FISCAL Revenue Report (a)		Total Net Expenditures
		Personal Services	Operating Expenses	Subtotal (Month 13)	Less (-) Reimbursements	Less (-) Internal Distributed Costs			
1111—BOARDS AND BUREAUS	ACCOUNTANCY, BOARD OF	9,959	4,982	14,941	-187	0			14,754
	ACUPUNCTURE, BOARD OF	1,246	2,543	3,789	-59	0			3,730
	ARBITRATION CERTIFICATION PROGRAM	924	336	1,260	0	0			1,260
	ARCHITECTS BOARD, CALIFORNIA	2,405	1,530	3,935	0	-26			3,909
ATHLETIC COMMISSION, CALIFORNIA STATE	0326 STATE ATHLETIC FUND	985	511	1,496	0	0			1,496
	0492 STATE ATHLETIC COMM NEURO EXAM ACCOUNT	0	23	23	0	0			23
	9250 BOXERS' PENSION	99	267	366	0	0			366
	TOTAL CSAC	1,084	801	1,885	0	0			1,885
AUTOMOTIVE REPAIR, BUREAU OF	0421 VEHICLE INSPECTION AND REPAIR FUND	53,125	63,309	116,434	-916	-71			115,447
	0582 HIGH POLLUTER REPAIR OR REMOVAL ACCOUNT	5,353	42,482	47,835	0	0			47,835
	3122 ENHANCED FLEET MODERNIZATION SUBACCOUNT	556	29,504	30,060	0	0			30,060
	TOTAL BAR	59,034	135,295	194,329	-916	-71			193,342
BARBERING AND COSMETOLOGY, BOARD OF	0069 BARBERING AND COSMETOLOGY FUND	7,267	11,121	18,388	-75	0			18,313
BEHAVIORAL SCIENCES, BOARD OF	0773 BEHAVIORAL SCIENCE EXAMINERS FUND	5,119	5,555	10,674	-328	0			10,346
CEMETERY AND FUNERAL BUREAU	0717 CEMETERY AND FUNERAL FUND	2,642	1,595	4,237	-20	0			4,217
CHIROPRACTIC EXAMINERS, BOARD OF	0152 CHIROPRACTIC EXAMINERS FUND	1,847	2,686	4,533	-80	0			4,453
CONTRACTORS STATE LICENSE BOARD	0735 CONTRACTORS' LICENSE FUND	37,987	28,582	66,569	-683	0			65,886
	0093 CONSTRUCTION MANAGEMENT EDUCATION ACCOUNT (CMEA)	0	68	68	0	0			68
	TOTAL CSLB	37,987	28,650	66,637	-683	0			65,954
	0771 COURT REPORTERS FUND	562	393	955	-8	0			947
COURT REPORTERS BOARD OF CALIFORNIA	0410 TRANSCRIPT REIMBURSEMENT FUND	0	62	62	0	0			62
	TOTAL CRB	562	455	1,017	-8	0			1,009

[a] All expenditures based on FISCAL Program Disbursement Report generated on 9/7/2021.

Expenditure Categories

FISCAL YEAR 2020–21 NET EXPENDITURES (IN THOUSANDS OF DOLLARS)									
		From FM 13 FiSCal Expenditure Report (a)			From FM 13 FiSCal Revenue Report (a)		From FM 13 FiSCal Revenue Report (a)		
	Fund Number and Name	Personal Services	Operating Expenses	Subtotal (Month 13)	Less (-) Reimbursements	Less (-) Internal Distributed Costs	Total Net Expenditures		
1111—BOARDS AND BUREAUS	0741 STATE DENTISTRY FUND	7,609	7,335	14,944	-635	0	14,309		
	3039 DENTALLY UNDERSERVED ACCOUNT	0	350	350	0	0	350		
	3142 STATE DENTAL ASSISTANT FUND	0	0	0	0	0	0		
	TOTAL DBC	7,609	7,685	15,294	-635	0	14,659		
DENTAL HYGIENE BOARD OF CALIFORNIA	3140 STATE DENTAL HYGIENE FUND	1,012	1,001	2,013	-23	0	1,990		
HOUSEHOLD GOODS AND SERVICES, BUREAU OF	0325 ELECTRONIC AND APPLIANCE REPAIR FUND	1,669	918	2,587	0	-61	2,526		
	0752 BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION FUND	2,451	1,447	3,898	0	0	3,898		
	3315 HOUSEHOLD MOVERS FUND	1,029	691	1,720	0	0	1,720		
	TOTAL BHGS	5,149	3,056	8,205	0	-61	8,144		
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE	0757 LANDSCAPE ARCHITECTS FUND	437	365	802	0	0	802		
MEDICAL BOARD OF CALIFORNIA	0210 OUTPATIENT SETTING FUND OF THE MED BOARD OF CA	0	0	0	0	0	0		
	0755 LICENSED MIDWIFERY FUND	0	120	120	0	0	120		
	0758 CONTINGENT FUND OF THE MEDICAL BOARD OF CALIFORNIA	16,594	52,972	69,566	-3,175	-600	65,791		
	TOTAL MBC	16,594	53,092	69,686	-3,175	-600	65,911		
NATUROPATHIC MEDICINE COMMITTEE	3069 NATUROPATHIC DOCTOR'S FUND	204	114	318	0	0	318		
OCCUPATIONAL THERAPY, CALIFORNIA BOARD OF	3017 OCCUPATIONAL THERAPY FUND	1,360	1,280	2,640	-41	0	2,599		
OPTOMETRY, CALIFORNIA STATE BOARD OF	0763 STATE OPTOMETRY FUND	928	837	1,765	-45	0	1,720		
	0175 DISPENSING OPTICIANS FUND	152	244	396	-6	0	390		
	TOTAL OPTOMETRY BOARD OF CALIFORNIA	1,080	1,081	2,161	-51	0	2,110		
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA	0264 OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA CONTINGENT FUND	1,312	1,487	2,799	-179	-14	2,606		
PHARMACY, CALIFORNIA STATE BOARD OF	0767 PHARMACY BOARD CONTINGENT FUND	16,713	11,003	27,716	-1,614	0	26,102		
PHYSICAL THERAPY BOARD	0759 PHYSICAL THERAPY FUND	2,624	3,000	5,624	-145	0	5,479		
PHYSICIAN ASSISTANT BOARD	0280 PHYSICIAN ASSISTANT FUND	738	1,691	2,429	-163		2,266		
PODIATRIC MEDICAL BOARD OF CALIFORNIA	0295 BOARD OF PODIATRIC MEDICINE FUND	542	825	1,367	-73	0	1,294		

[a] All expenditures based on FISCAL Program Disbursement Report generated on 9/7/2021.

Expenditure Categories

FISCAL YEAR 2020–21 NET EXPENDITURES (IN THOUSANDS OF DOLLARS)								
	Fund Number and Name	From FM 13 Fi\$Cal Expenditure Report (a)			From FM 13 Fi\$Cal Revenue Report (a)		From FM 13 Fi\$Cal Revenue Report (a)	
		Personal Services	Operating Expenses	Subtotal (Month 13)	Less (-) Reimbursements	Less (-) Internal Distributed Costs	Total Net Expenditures	
1111–BOARDS AND BUREAUS	0305 PRIVATE POSTSECONDARY EDUCATION ADMINISTRATION FUND	10,541	6,202	16,743	-70	0	16,673	
	0960 STUDENT TUITION RECOVERY FUND	0	6,258	6,258	0	0	6,258	
	TOTAL BPPE	10,541	12,460	23,001	-70	0	22,931	
PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS, BOARD FOR	0770 PROFESSIONAL ENGINEERS' AND LAND SURVEYORS' FUND	4,673	5,761	10,434	-191	0	10,243	
PROFESSIONAL FIDUCIARIES BUREAU	3108 PROFESSIONAL FIDUCIARY FUND	350	200	550	0	0	550	
PSYCHOLOGY, CALIFORNIA BOARD OF	0310 PSYCHOLOGY FUND	2,539	3,450	5,989	-205	0	5,784	
REAL ESTATE APPRAISERS, BUREAU OF	0400 REAL ESTATE APPRAISERS FUND	3,022	1,660	4,682	0	0	4,682	
REGISTERED NURSING, BOARD OF	0761 BOARD OF REGISTERED NURSING FUND	19,927	33,563	53,490	-2,751	0	50,739	
RESPIRATORY CARE BOARD OF CALIFORNIA	0319 RESPIRATORY CARE FUND	1,741	1,470	3,211	-161	0	3,050	
SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF	0239 PRIVATE SECURITY SERVICES FUND	6,373	10,165	16,538	-708	0	15,830	
	0769 PRIVATE INVESTIGATOR FUND	0	0	0	0	0	0	
	TOTAL BSIS	6,373	10,165	16,538	-708	0	15,830	
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD	0376 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS FUND	1,206	1,162	2,368	-64	0	2,304	
STRUCTURAL PEST CONTROL BOARD	0168 SPC RESEARCH FUND	0	-32	-32	0	0	-32	
	0399 SPC EDUCATION AND ENFORCEMENT FUND	116	200	316	0	0	316	
	0775 STRUCTURAL PEST CONTROL FUND	2,567	2,357	4,924	-88	0	4,836	
	TOTAL SPCB	2,683	2,525	5,208	-88	0	5,120	
VETERINARY MEDICAL BOARD	0777 VETERINARY MEDICAL BOARD CONTINGENT FUND	2,457	2,762	5,219	-234	0	4,985	
VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, BOARD OF	0779 VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS FUND	7,146	9,809	16,955	-317	0	16,638	
CURES	3252 CURES FUND	0	1,820	1,820	0	0	1,820	
DCA - TOTAL		248,108	368,036	616,144	-13,244	-772	602,128	

[a] All expenditures based on Fiscal Program Disbursement Report generated on 9/7/2021.

Fund Conditions

FISCAL YEAR 2020–21 FUND CONDITIONS (IN THOUSANDS OF DOLLARS)								From General Ledger Fund Conditions			
	Fund Number and Name	Total Reserves July 1	Total Revenues	Transfers	Total Expenditures [a]	Reserve June 30	Estimated Months of Reserve				
1111—BOARDS AND BUREAUS	0704 ACCOUNTANCY FUND	2,826	17,905	-9,994	15,858	-5,121	8.2				
	0108 ACUPUNCTURE FUND	4,019	3,090	0	3,920	3,189	8.4				
	0166 CERTIFICATION ACCOUNT	1,250	1,555	2	1,373	1,434	10.8				
	0706 CALIFORNIA ARCHITECTS BOARD FUND	5,707	3,019	0	4,216	4,510	10.3				
ATHLETIC COMMISSION, CALIFORNIA STATE	0326 STATE ATHLETIC FUND	1,466	893	0	1,625	734	4.4				
	0492 STATE ATHLETIC COMM NEURO EXAM ACCOUNT	433	9	0	26	416	84.6				
	9250 BOXERS' PENSION FUND	845	317	0	369	793	N/A				
	0421 VEHICLE INSPECTION AND REPAIR FUND	227,249	135,626	-29,965	142,792	190,118	14.7				
AUTOMOTIVE REPAIR, BUREAU OF	0582 HIGH POLLUTER REPAIR OR REMOVAL ACCOUNT	81,502	45,869	-60,000	48,453	18,918	4.2				
	3122 ENHANCED FLEET MODERNIZATION SUBACCOUNT	15,774	34,529	-3,400	32,931	13,972	5.0				
	0069 BARBERING AND COSMETOLOGY FUND	46,709	14,687	604	19,744	42,256	22.9				
BARBERING AND COSMETOLOGY, BOARD OF	0773 BEHAVIORAL SCIENCE EXAMINERS FUND	3,597	13,042	0	11,101	5,538	4.7				
CEMETERY AND FUNERAL BUREAU	0717 CEMETERY AND FUNERAL FUND	5,021	4,375	0	4,560	4,836	8.9				
CHIROPRACTIC EXAMINERS, BOARD OF	0152 CHIROPRACTIC EXAMINERS FUND	2,278	4,662	0	4,772	2,168	5.3				
	0735 CONTRACTORS' LICENSE FUND	-489	73,265	41	70,951	1,866	0.3				
CONTRACTORS STATE LICENSE BOARD ^[b]	0093 CONSTRUCTION MANAGEMENT EDUCATION ACCOUNT (CMEA)	412	186	0	73	525	59.3				
COURT REPORTERS BOARD OF CALIFORNIA	0771 COURT REPORTERS FUND	606	1,391	-200	1,026	771	7.1				
	0410 TRANSCRIPT REIMBURSEMENT FUND	36	0	200	62	174	N/A				
DENTAL BOARD OF CALIFORNIA	0741 STATE DENTISTRY FUND	14,172	18,678	-4,991	15,410	12,449	7.5				
	3039 DENTALLY UNDERSERVED ACCOUNT	1,369	7	0	356	1,020	N/A				
	3142 STATE DENTAL ASSISTANT FUND	2,908	189	0	156	2,941	N/A				
DENTAL HYGIENE BOARD OF CALIFORNIA	3140 STATE DENTAL HYGIENE COMMITTEE	2,184	1,887	0	2,131	1,940	8.8				
HOUSEHOLD GOODS AND SERVICES, BUREAU OF	0325 ELECTRONIC AND APPLIANCE REPAIR FUND	3,953	2,521	0	2,701	3,773	10.3				
	0752 HOME FURNISHINGS AND THERMAL INSULATION FUND	5,243	5,085	0	4,267	6,061	11.0				
	3315 HOUSEHOLD MOVERS FUND	3,415	3,670	-21	2,001	5,063	25.3				

[a] Expenditures in fund conditions include SCO and/or other charges that are direct assessments against each fund.

[b] Contractors Fund Total Reserves includes the fund's beginning balance of \$627,000 combined with prior year adjustments of -\$1.1 million, netting an adjusted balance of -\$489,000.

Fund Conditions

FISCAL YEAR 2020–21 FUND CONDITIONS (IN THOUSANDS OF DOLLARS)								From General Ledger Fund Conditions			
1111–BOARDS AND BUREAUS	Fund Number and Name	Total Reserves July 1	Total Revenues	Transfers	Total Expenditures [a]	Reserve June 30	Estimated Months of Reserve				
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE	0757 LANDSCAPE ARCHITECTS FUND	1,300	829	0	876	1,253	10.9				
	0210 OUTPATIENT SETTING FUND OF THE MED BOARD OF CA	560	3	0	1	562	240.9				
	0755 LICENSED MIDWIFERY FUND	402	61	0	133	330	29.6				
MEDICAL BOARD OF CALIFORNIA	0758 CONTINGENT FUND OF THE MEDICAL BOARD OF CALIFORNIA	17,795	59,942	8	69,804	7,941	1.2				
	3069 NATUROPATHIC DOCTOR'S FUND	451	535	0	357	629	17.4				
OCCUPATIONAL THERAPY, CALIFORNIA BOARD OF	3017 OCCUPATIONAL THERAPY FUND	1,803	2,490	0	2,759	1,534	5.2				
	0763 STATE OPTOMETRY FUND	2,085	1,823	0	1,863	2,045	8.1				
OPTOMETRY, CALIFORNIA STATE BOARD OF	0175 DISPENSING OPTICIANS FUND	1,044	609	0	421	1,232	N/A				
	0264 OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA CONTINGENT FUND	4,920	2,977	0	2,807	5,090	16.6				
PHARMACY, CALIFORNIA STATE BOARD OF	0767 PHARMACY BOARD CONTINGENT FUND	8,014	32,992	-2,389	28,440	10,177	3.7				
PHYSICAL THERAPY BOARD OF CALIFORNIA	0759 PHYSICAL THERAPY FUND	4,847	6,380	2	5,771	5,458	9.4				
PHYSICIAN ASSISTANT BOARD	0280 PHYSICIAN ASSISTANT FUND	4,812	2,364	0	2,380	4,796	18.4				
PODIATRIC MEDICAL BOARD OF CALIFORNIA	0295 BOARD OF PODIATRIC MEDICINE FUND	572	1,292	0	1,382	482	3.5				
	0305 PRIVATE POSTSECONDARY EDUCATION ADMINISTRATION FUND	3,278	15,524	4	17,927	879	0.5				
PRIVATE POSTSECONDARY EDUCATION, BUREAU FOR	0960 STUDENT TUITION RECOVERY FUND	21,785	303	0	6,258	15,830	N/A				
PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS, BOARD FOR	0770 PROFESSIONAL ENGINEER'S, LAND SURVEYOR'S, AND GEOLOGIST'S FUND	4,880	8,559	0	11,087	2,352	2.1				
PROFESSIONAL FIDUCIARIES BUREAU	3108 PROFESSIONAL FIDUCIARY FUND	258	679	0	594	343	5.9				
PSYCHOLOGY, CALIFORNIA BOARD OF	0310 PSYCHOLOGY FUND	11,042	4,690	-897	6,168	8,667	14.0				
REAL ESTATE APPRAISERS, BUREAU OF	0400 REAL ESTATE APPRAISERS FUND	4,190	6,065		5,199	5,056	8.8				
REGISTERED NURSING, BOARD OF	0761 BOARD OF REGISTERED NURSING FUND	46,976	71,742	-29,985	53,877	34,856	6.5				
RESPIRATORY CARE BOARD OF CALIFORNIA	0319 RESPIRATORY CARE FUND	866	3,785	0	3,291	1,360	3.9				

[a] Expenditures in fund conditions include SCO and/or other charges that are direct assessments against each fund.

[b] Contractors Fund Total Reserves includes the fund's beginning balance of \$627,000 combined with prior year adjustments of -\$1.1 million, netting an adjusted balance of -\$489,000.

Fund Conditions

FISCAL YEAR 2020–21 FUND CONDITIONS (IN THOUSANDS OF DOLLARS)								From General Ledger Fund Conditions				
	Fund Number and Name	Total Reserves July 1	Total Revenues	Transfers	Total Expenditures [a]	Reserve June 30	Estimated Months of Reserve					
1111–BOARDS AND BUREAUS												
SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF	0239 PRIVATE SECURITY SERVICES FUND	7,329	15,958	2	16,832	6,457	4.1					
	0769 PRIVATE INVESTIGATOR FUND	424	95	0	84	435	N/A					
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD	0376 SPEECH-LANGUAGE PATHOLOGY AND AUDIO, AND HEARING AID DISP. FUND	1,818	2,209	0	2,480	1,547	5.0					
STRUCTURAL PEST CONTROL BOARD	0168 SPC RESEARCH FUND	597	165	0	-32	794	N/A					
	0399 SPC EDUCATION AND ENFORCEMENT FUND	1,117	428	0	338	1,207	42.6					
	0775 SPC FUND	1,477	6,550	0	5,214	2,813	4.6					
VETERINARY MEDICAL BOARD	0777 VETERINARY MEDICAL BOARD CONTINGENT FUND	2,752	7,607	0	5,325	5,034	8.0					
VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, BOARD OF	0779 VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS FUND	4,250	17,721	3	17,898	4,076	2.5					
CURES	3252 CURES FUND	3,893	1,891	0	1,898	3,886	12.0					

[a] Expenditures in fund conditions include SCO and/or other charges that are direct assessments against each fund.

[b] Contractors Fund Total Reserves includes the fund's beginning balance of \$627,000 combined with prior year adjustments of -\$1.1 million, netting an adjusted balance of -\$489,000.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	
ACCOUNTANCY, CALIFORNIA BOARD OF	0704 ACCOUNTANCY FUND	0	255	0	11,299	1,788	4,455	0	0	0	84	0	10	2	0	12	17,905
	0108 ACUPUNCTURE FUND	0	15	0	2,401	106	539	0	0	0	22	0	4	0	0	2	3,089
ARBITRATION CERTIFICATION PROGRAM	0166 CERTIFICATION ACCOUNT	0	0	0	0	1,547	0	0	0	0	5	0	0	0	0	3	1,555
ARCHITECTS BOARD, CALIFORNIA	0706 CALIFORNIA ARCHITECTS BOARD FUND	0	26	0	2,611	40	312	0	0	0	25	0	3	0	0	3	3,020
ATHLETIC COMMISSION, STATE	0326 STATE ATHLETIC FUND	0	0	0	47	779	60	0	0	0	7	0	1	0	0	0	894
	0482 STATE ATHLETIC COMM NEURO EXAM ACCOUNT	0	0	0	0	7	0	0	0	0	2	0	0	0	0	0	9
	9250 BOXERS' PENSION FUND	0	0	0	0	0	0	0	0	0	1	0	0	315	0	0	316
	TOTAL CSAC	0	0	0	47	786	60	0	0	0	10	0	1	315	0	0	1,219
AUTOMOTIVE REPAIR, BUREAU OF	0421 VEHICLE INSPECTION AND REPAIR FUND	0	231	0	7,674	1,641	124,804	0	0	0	1,100	31	45	2	0	98	135,626
	0582 HIGH POLLUTER REPAIR OR REMOVAL ACCOUNT	0	0	0	0	284	45,345	6	0	0	226	0	6	0	0	1	45,868
	3122 ENHANCED FLEET MODERNIZATION SUBACCOUNT	34,424	0	0	0	0	0	0	0	0	105	0	0	0	0	0	34,529
	TOTAL BAR	34,424	231	0	7,674	1,925	170,149	6	0	0	1,431	31	51	2	0	99	216,023

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	
1111–Boards and Bureaus	0069 BARBERING AND COSMETOLOGY FUND	0	1,047	0	9,306	1,127	2,974	0	0	20	184	0	16	5	0	8	14,687
	0773 BEHAVIORAL SCIENCE EXAMINERS FUND	0	150	0	7,728	193	4,920	0	0	0	31	0	15	3	0	1	13,041
CEMETERY AND FUNERAL BUREAU	0717 CEMETERY FUND	0	47	0	1,417	2,695	181	0	0	0	28	0	3	0	0	4	4,375
CHIROPRACTIC EXAMINERS, BOARD OF	0152 CHIROPRACTIC EXAMINERS FUND	0	75	0	4,035	132	401	0	0	0	14	0	1	1	0	3	4,662
CONTRACTORS STATE LICENSE BOARD	0735 CONTRACTORS' LICENSE FUND	0	6,182	0	50,643	121	14,432	0	0	65	38	0	45	4	1,702	33	73,265
	0093 CONSTRUCTION MANAGEMENT EDUCATION ACCOUNT (CMEA)	0	0	0	0	0	183	0	0	0	2	0	0	0	0	0	185
	TOTAL CONTRACTORS STATE LICENSE BOARD	0	6,182	0	50,643	121	14,615	0	0	65	40	0	45	4	1,702	33	73,450
COURT REPORTERS BOARD OF CALIFORNIA	0771 COURT REPORTERS FUND	0	20	0	1,332	10	23	0	0	0	5	0	1	0	0	0	1,391
	0410 TRANSCRIPT REIMBURSEMENT FUND	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL COURT REPORTERS BOARD	0	20	0	1,332	10	23	0	0	0	5	0	1	0	0	0	1,391

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
1111–Boards and Bureaus	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	Total
DENTAL BOARD OF CALIFORNIA	0741 STATE DENTISTRY FUND	0	314	0	14,934	151	3,184	0	0	0	75	0	12	0	0	7	18,677
	3039 DENTALLY UNDERSERVED ACCOUNT	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	7
	3142 STATE DENTAL ASSISTANT FUND	0	0	0	174	0	0	0	0	0	15	0	0	0	0	0	189
	TOTAL DENTAL BOARD OF CALIFORNIA	0	314	0	15,108	151	3,184	0	0	0	97	0	12	0	0	7	18,873
DENTAL HYGIENE BOARD OF CALIFORNIA	3140 STATE DENTAL HYGIENE COMMITTEE	0	46	0	1,581	23	223	0	0	0	12	0	1	1	0	0	1,887
HOUSEHOLD GOODS AND SERVICES, BUREAU OF	0325 ELECTRONIC AND APPLIANCE REPAIR FUND	0	106	0	2,109	3	277	0	0	0	21	0	4	0	0	2	2,522
	0752 HOME FURNISHINGS AND THERMAL INSULATION FUND	0	156	0	3,758	86	1,038	0	0	0	30	0	13	0	0	2	5,083
	3315 HOUSEHOLD MOVERS FUND	0	125	0	3,368	73	100	0	0	0	0	0	2	1	0	1	3,670
	TOTAL BHGS	0	387	0	9,235	162	1,415	0	0	0	51	0	19	1	0	5	11,275
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE	0757 LANDSCAPE ARCHITECTS FUND	0	10	0	724	3	83	0	0	0	8	0	0	0	0	1	829

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	Total
1111–Boards and Bureaus	0210 OUTPATIENT SETTING FUND OF THE MED BOARD OF CA	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	3
	0755 LICENSED MIDWIFERY FUND	0	1	0	44	0	13	0	0	0	2	0	0	0	0	0	60
	0758 MEDICAL BOARD OF CALIFORNIA FUND	0	130	0	52,793	481	6,278	0	0	0	138	0	40	4	50	27	59,941
MEDICAL BOARD OF CALIFORNIA	TOTAL MEDICAL BOARD OF CALIFORNIA	0	131	0	52,837	481	6,291	0	0	0	143	0	40	4	50	27	60,004
NATUROPATHIC MEDICINE COMMITTEE	3069 NATUROPATHIC DOCTOR'S FUND	0	3	0	417	2	108	0	0	0	3	0	1	0	0	0	534
OCCUPATIONAL THERAPY, CALIFORNIA BOARD OF	3017 OCCUPATIONAL THERAPY FUND	0	41	0	2,003	24	379	0	0	30	10	0	2	0	0	1	2,490
OPTOMETRY, CALIFORNIA STATE BOARD OF	0763 STATE OPTOMETRY FUND	0	15	0	1,609	32	153	0	0	0	12	0	0	0	0	2	1,823
	0175 DISPENSING OPTICIANS FUND	0	21	0	447	3	131	0	0	0	6	0	0	0	0	0	608
	TOTAL OPTOMETRY BOARD OF CALIFORNIA	0	36	0	2,056	35	284	0	0	0	18	0	0	0	0	2	2,431
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA	0264 OSTEOPATHIC MED BD OF CA FUND	0	18	0	2,265	31	574	0	0	0	26	0	1	57	0	3	2,975
PHARMACY, CALIFORNIA STATE BOARD OF	0767 PHARMACY BOARD CONTINGENT FUND	0	234	0	27,357	895	4,337	1	0	0	66	0	79	0	0	23	32,992
PHYSICAL THERAPY BOARD OF CALIFORNIA	0759 PHYSICAL THERAPY FUND	0	44	0	5,153	105	1,039	0	0	0	31	0	4	0	0	4	6,380
PHYSICIAN ASSISTANT BOARD	0280 PHYSICIAN ASSISTANT FUND	0	5	0	1,975	16	336	0	0	0	28	0	2	0	0	2	2,364

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	Total
1111–Boards and Bureaus	0295 BOARD OF PODIATRIC MEDICINE FUND	0	4	0	1,169	14	100	0	0	0	4	0	0	0	0	1	1,292
PRIVATE POSTSECONDARY EDUCATION	0305 PRIVATE POSTSECONDARY EDUCATION ADMINISTRATION FUND	0	416	0	13,871	569	648	0	0	0	18	0	1	0	0	1	15,524
	0960 STUDENT TUITION RECOVERY FUND	0	0	0	0	182	0	0	0	0	97	0	24	0	0	0	303
	TOTAL BPPE	0	416	0	13,871	751	648	0	0	0	115	0	25	0	0	1	15,827
PROFESSIONAL ENGINEERS, LAND SURVEYOR AND GEOLOGISTS, BOARD FOR	0770 PROFESSIONAL ENGINEERS' AND LAND SURVEYORS' FUND	0	122	0	6,707	104	1,571	0	0	0	32	0	21	0	0	2	8,559
PROFESSIONAL FIDUCIARIES BUREAU	3108 PROFESSIONAL FIDUCIARY FUND	0	3	0	523	29	122	0	0	0	2	0	0	0	0	0	679
PSYCHOLOGY, CALIFORNIA BOARD OF	0310 PSYCHOLOGY FUND	0	79	0	3,798	178	574	0	0	0	55	0	2	0	0	4	4,690
REAL ESTATE AP-PRAISERS, BUREAU OF	0400 REAL ESTATE APPRAISERS FUND	0	0	5,300	0	0	565	0	1	0	25	0	0	54	113	7	6,065
REGISTERED NURSING, BOARD OF	0761 BOARD OF REGISTERED NURSING FUND	0	1,082	0	46,357	2,357	21,615	0	0	14	216	1	10	38	0	52	71,742
RESPIRATORY CARE BOARD	0319 RESPIRATORY CARE FUND	0	76	0	3,207	48	442	0	0	0	8	0	2	0	0	2	3,785

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.

Revenue Sources

FISCAL YEAR 2020–21 REVENUE CATEGORIES (IN THOUSANDS)																	
	Fund Number and Name	Other Motor Vehicle Fees (4115600)	Delinquent Fees (4121200)	Division of Real Estate License Fees (4127200)	Renewal Fees (4127400)	Other Regulatory Fees (4129200)	Other Regulatory Licenses and Permits (4129400)	Miscellaneous Revenue From Local Agencies (4135000)	Sale of Documents (4140000)	Miscellaneous Services to the Public (4143500)	Investment Income - Surplus Money Investments (4163000)	Other Revenue, Cost Recoveries (4171100)	Escheats (4171400, 4171500)	Miscellaneous/ Other Revenue (4172500)	Penalty Assessments (4173000)	Settlements and Judgments - Other (4173500)	Total
1111–Boards and Bureaus	0239 PRIVATE SECURITY SERVICES FUND	0	381	0	8,497	702	6,300	0	0	0	50	3	19	1	0	4	15,957
	0769 PRIVATE INVESTIGATOR FUND	0	0	0	91	0	0	0	0	0	3	0	0	0	0	0	94
	TOTAL BSIS	0	381	0	8,588	702	6,300	0	0	0	53	3	19	1	0	4	16,051
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD	0376 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY FUND	0	29	0	1,766	37	361	0	0	0	10	0	5	0	0	0	2,208
	0168 SPCB RESEARCH FUND	0	0	0	0	159	0	0	0	0	6	0	0	0	0	0	165
STRUCTURAL PEST CONTROL BOARD	0399 SPCB EDUCATION AND ENFORCEMENT FUND	0	0	0	0	420	0	0	0	0	7	0	1	0	0	0	428
	0775 SPC FUND	0	6	0	234	5,634	653	0	0	2	15	0	2	1	0	3	6,550
	TOTAL SPCB	0	6	0	234	6,213	653	0	0	2	28	0	3	1	0	3	7,143
VETERINARY MEDICAL BOARD	0771 VETERINARY MEDICAL BOARD FUND	0	56	0	5,624	65	1,826	0	0	0	22	0	10	0	0	3	7,606
VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, BOARD OF	0779 VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS FUND	0	285	0	11,981	418	4,976	0	0	0	35	0	10	1	0	15	17,721
CURES	3252 CURES FUND	0	0	0	0	1,868	0	0	0	0	23	0	0	0	0	0	1,891
	DCA TOTAL	34,424	11,856	5,300	323,029	25,182	256,635	7	1	131	3,000	35	418	490	1,865	337	662,710

[a] All revenues based on FISCAL Program Disbursement Report generated on 9/7/2021.



STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

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PDE_21-081



MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jonathan Burke – Assistant Executive Officer
SUBJECT	Agenda Item 9 – Budget Ad Hoc Committee Report and Consideration of Committee Recommendations (Rodgers – Chairperson, Nystrom) Memo/Attachments a) Fiscal Analysis (J. Burke/J. Glasspiegel/S. Costa) b) Fee Recommendation

On January 26, 2022, the newly formed Budget Ad Hoc Committee (Budget Committee) met with Board staff and were presented with application and renewal transaction cost options that will eliminate the Board's structural imbalance and rebuild its fund reserves.

On February 25, 2022, the Budget Committee held a public meeting, moderated by DCA's SOLID Training and Planning Solutions Unit to present stakeholders of the Board of Psychology with options that will eliminate the Board's structural imbalance. Public comment was provided by the California Psychological Association. After the February meeting, Board staff compiled additional information regarding increased costs which have contributed to the structural imbalance. This information is provided below on page 8.

On March 11, 2022, the Budget Committee met again to discuss the fiscal analysis and proposed fee changes. The Budget Committee recommended that the Board's application fees be changed to cover the costs of each transaction to the Board and determined that Renewal Fee Scenario 3 in Attachment E was the most reasonable. This determination was made as this distributes the costs more equitably between the license types. The proposed fees recommended by the Committee are as follows:

Transaction Type	Current Fee	Proposed Fee
Application for Licensure as a Psychologist	\$ 40.00	\$ 236.00
Application to Take CPLEE	\$ -	\$ 127.00
Fingerprint Hard Card Processing for Out of State Applicants	\$ -	\$ 184.00
Application for Initial Licensure	\$ 400.00	\$ 231.00
Application for Registration as a Psychological Associate	\$ 40.00	\$ 424.00
Add or Change Supervisor for Psychological Associate	\$ -	\$ 210.00
Psychologist (PSY) Biennial Renewal	\$ 430.00	\$ 795.00
Psychologist (PSY) Inactive Biennial Renewal	\$ 60.00	\$ 221.00
Registered Psychological Associate Renewal	\$ 40.00	\$ 224.00

Action Requested:

The Budget Committee recommends the Board increase its fees with the application fees covering the cost of processing and the renewal fees as presented in Scenario 3 in Attachment E. Staff recommends that these be considered as the statutory minimum and the Board should discuss a statutory maximum to permit the changing of fees via regulation. Staff will prepare answers to the Assembly Committee on Business & Professions Fee Background Information Questionnaire and seek an author to make the necessary statutory changes.

Fee Analysis Background:

The Board of Psychology (Board) within the Department of Consumer Affairs (DCA) exists to protect consumers and promote quality services provided by licensed psychologists and registered psychological associates. As such, the Board's operations include processing and issuing licenses and renewals, investigating complaints, developing rules and policies to best implement laws, as well as providing resources to consumers. The revenues received from licensees fund the operations and activities that keep the Board functional.

The Board is currently facing a budget structural deficit, with expenditures outpacing revenue streams. The Board has not increased its initial application or renewal fees since 1992 and as operating costs have increased, it has resulted in the structural imbalance. In order for the Board's fees to have kept pace with inflation they should have increased 100% since 1992;

Inflation from 1992 to 2022	
Cumulative price change	100.39%
Average inflation rate	2.34%
Converted amount (\$1 base)	\$2.00
Price difference (\$1 base)	\$1.00
CPI in 1992	140.300
CPI in 2022	281.148
Inflation in 1992	3.01%
Inflation in 2022	7.48%
\$1 in 1992	\$2.00 in 2022

The Board's fund condition is included below:

Fund Condition					
(Dollars in Thousands)	FY 2020/21	FY 2021/22	FY 2022/23	BY+1 2023/24	BY+2 2024/25
Beginning Balance	\$11,396	\$8,988	\$5,789	\$3,224	\$-508
Revenues and Transfers	\$3,792	\$4,420	\$5,264	\$4,313	\$4,313
Total Resources	\$14,834	\$13,408	\$11,053	\$7,537	\$3,805
Total Expenditures	\$6,168	\$7,619	\$7,829	\$8,045	\$8,268
Fund Balance	\$8,666	\$5,789	\$3,224	\$-508	\$-4,462
Months in Reserve	13.6	8.9	4.8	-0.7	-6.5

The Board has the authority to change its fees through regulatory changes if the statutorily established cap has not been met. Currently, the Board's fees have not met its statutory cap so the Board has a current regulatory package to increase the following fees: the law and ethics exam fee, the initial application fee, the initial license fee, and the license renewal fee. These regulatory fee changes will not sustain the long-term fiscal health of the Board.

Board staff have undertaken the task of analyzing the fiscal health of the Board. Specifically, staff have worked with DCA budget experts to closely examine data, create formulas, and propose options for increasing fees imposed on licensees and registrants. The Board considered an independent fee analysis but ultimately decided that the high cost and lengthy amount of time it would take to complete was not warranted. The Board can address the areas identified by the business and professions committees and demonstrate the need for a fee increase through this internal analysis.

The Board's objectives for this analysis are to ensure that the Board is fully accounting for all its costs, recovering adequate revenues to be reimbursed for its expenses, and building reserves to ensure future operations. The Board's only sources of revenues are fees charged for each of the various licenses. The Board does not receive funding from California's General Fund, which is used to fund and support numerous programs and agencies throughout the State. Thus, the Board is fully self-supported through its "special fund," and it is vital that the fees charged to licensees and applicants fully recover the costs of administering the program.

The Board generates revenue primarily from license, application, and examination fees levied on psychologists and registered psychological associates. Currently, the fees are as follows:

Application Fee - Psychologist	\$40.00
California Psychology Laws and Ethics Examination (CPLEE)	\$129.00
Initial License Fee – Psychologist	\$400.00
Biennial Renewal Fee – Psychologist	\$430.00
Biennial Renewal Fee – Inactive Psychologist	\$60.00
Delinquency Fee – Active Psychologist	\$150.00

Delinquency Fee – Inactive Psychologist	\$20.00
Application Fee – Psychological Associate	\$40.00
Annual Renewal Fee – Psychological Associate	\$40.00
Delinquency Fee – Psychological Associate	\$20.00
Duplicate License Fee – Psychologist	\$5.00
License Verification Fee	\$5.00

The Board intends on utilizing the legislative process in the 2023-24 session to increase the initial application and license fees, as well as the renewal fees for both licensed psychologists and registered psychological associates. Before introducing a bill to increase fees, the Board will have held Budget Ad Hoc Committee meetings, a public stakeholder meeting and will have presented the increase to the full Board.

The scope of this fee analysis includes the following objectives:

- Calculate full cost of licenses and renewals
- Determine a fair and equitable method of allocating non-fee expenses, such as enforcement, to the licenses and registrations issued
- Develop revenue projections for 5 years to establish fees, and
- Review performance of core business processes.

Conducting the Fiscal Analysis

Step 1: Collect Data – This first step involved identifying those positions within each program that provide and support direct services. It also involved collecting program budget and expenditure data, identifying the salary and benefits for each position, and identifying non-personnel expenditures, as well as any program and Board overhead.

Specifically, collecting data involved the following:

- *Identifying staff positions.*
- *Calculating the number of productive hours* – Calculated the actual number of hours spent on tasks related to processing an application or renewal for both licenses and registrations.
- *Identifying and allocating non-personnel and overhead costs* – These costs include pro-rata for DCA, materials, and office supplies.
- *Assigning any other expenses that are budgeted in other areas* – Enforcement costs are included in the renewal costs only.
- *Identifying core business processes or activities* – This step also involved discussions to understand, at an operational level, the work of the operating units. This includes processes that directly contribute to the processing of an application, with the most notable example being evaluation of the license application.

Step 2: Building Cost Structures – This second step involved the development of time estimates for processes and tasks in each program area. Specifically, this step is at the core of the analysis. There are three processes that comprise this step:

- *Gathering time estimates for direct processes* – By working with Board staff, an estimate of time was assigned to each process. The sum of all the process steps is the total time that is required to provide that specific service.
- *Calculating hourly rates and the cost of service* – Once the total time for each service is estimated, the cost of service is calculated based on hourly pay rate for individual staff members, as provided by DCA.
- *Gathering activity or volume data* – A critical element in the analysis is the number of times a given license or certificate is provided on an annual basis.

Step 3: Allocating enforcement and other support activities – This third step allocates enforcement activities to arrive at the full cost of service for each license, registration, or renewal. Within DCA, enforcement is a significant portion of cost and has been growing every year.

Step 4: Set cost recovery policy –The level of cost recovery is a decision that should be made for each type or group of licenses and is dependent on Board policies. For example, the current license structure includes a partially subsidized psychological associate registration.

Step 5: Set fees - Fees should be based on any cost recovery policy and at a price that will fully recover the Board's cost and provide a sustainable future that includes rebuilding reserves. The Board staff have worked diligently to create formulas that utilize accurate numbers and reflect actual costs.

Primary Data Sources

For this project, there are four primary sources of data that has driven the analysis:

- 1) Budgeted expense data which includes:
 - a. Salaries and benefit expenditures, including operating expenses and equipment (OE&E)
 - b. Services and supplies
 - c. Overhead, including both DCA and State pro rata allocations
 - d. External enforcement costs from the Attorney General's Office, the Office of Administrative Hearings, and evidence or witness fees.
- 2) Time estimates for staff to process each license and registration type, broken down by core processes or activities. These included such activities as:
 - a. Initial review of application
 - b. Review application for completion
 - c. Final license issuance
 - d. Review and approve educational requirements
 - e. Process California Psychology Law and Ethics Examination (CPLEE) and Examination for Professional Practice in Psychology (EPPP) results
 - f. Processing hard cards
 - g. Process renewals

- 3) Staff participation in support and administrative services. These include:
 - a. Regulatory policy and review
 - b. Enforcement support and administration
- 4) Activity data such as the annual number of licenses, registrations, and renewals processed.

Quality Assurance

Assuring the accuracy and quality of results is an important function of the analysis. The approach builds on the concept that a quality process assures a quality outcome.

Besides focusing on a quality process, we also incorporate quantitative checks of our results. These quantitative checks include:

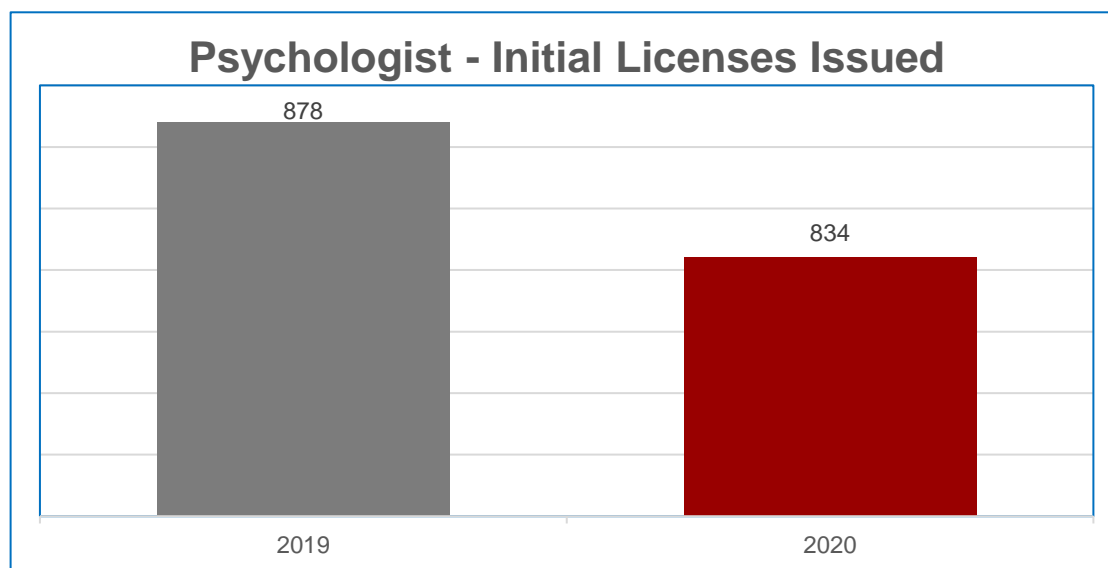
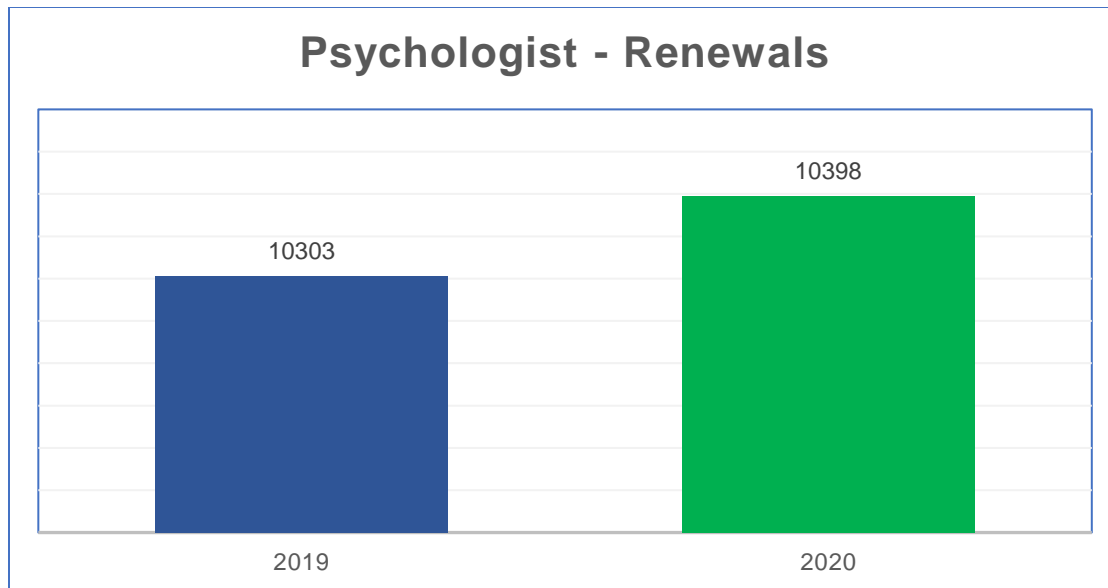
1. Are the total costs that we have coming into the model (the budget) equal to the total costs coming out of the model (projected revenues)?
2. Are the total number of staff hours available fully accounted for in the model?
3. Does the projection of annual revenues (current) built into the cost model reasonably match actual or projected revenues by the DCA budget office?

Revenues – Consistent Activity Data

A significant component of the analysis is dependent upon annual activity data.

Specifically, the number of times each license is processed on an annual basis. For example, the number of times annual registrations and biennial renewals are processed. This is important to the analyses for two reasons:

1. In our costing models, activity data drives the total consumption of staff hours. If the activity data is not correct it will either over assign staff time or underestimate staff time relative to the total time that is available.
2. Projecting revenue based on existing data – This requires examining past years' data to ensure the Board has reasonable expectations for future revenues. For example, the Board's past three years of license renewals (see below) show that the Board expects a consistent amount of revenue from that fee category.



Direct vs. Indirect Allocated Costs

For this analysis, direct costs are being defined as the direct time required to process a specific application type. This is driven by a calculation of a productive hourly rate for each staff position. This rate includes salaries, benefits, and a prorated amount for services and supplies. After, indirect costs are layered on top of the direct costs to establish the full cost of issuing the license. Indirect costs include:

- DCA and State pro rata
- OE&E
- Board management and administration
- Board customer service
- Regulatory policy and review
- Enforcement support and administration
- Licensing support and administration

Office of the Attorney General (OAG) Costs

Historical Billing Rate Increases					
FY	Budget Letter #	Eff. Date	Attorney	Paralegal	Analyst
2000	00-23	7/1/2000	\$106	\$53	\$63
2001	01-11	7/1/2001	\$112	\$53	\$63
2004	04-37	7/1/2004	\$139	\$91	\$63
2005	04-37	7/1/2005	\$146	\$92	\$63
2006	05-27	7/1/2006	\$158	\$101	\$63
2009	08-29	7/1/2009	\$170	\$120	\$99
2019	19-30	9/1/2019	\$220	\$205	\$195

Division of Investigation (Investigator Costs)

Sworn Investigators received the following General Salary Increases:

- Effective July 1, 2016, 3%*
- Effective July 1, 2017, 3%
- Effective July 1, 2018, 2%
- Effective July 1, 2019, 2.75%
- Effective July 1, 2020, 2.5%**
- Effective July 1, 2021, 2.5%***
- Effective July 1, 2022, 3.75%

*Effective July 2016 Investigators received an additional special salary increase of 5%

** Due to the pandemic Investigators did not receive the 2020 increase, but saw a reduction in pay (PLP 2020) of 9.23%

***The 2020 increase was added onto the 2021 increase giving the Investigators a compounding increase effective July 2021 of 5.06%

Personnel Expenses and Operating Expenses & Equipment

See Attachments A and B to see how the Board's Personnel Expenses and Operating Expenses & Equipment (OE&E) have increased since FY 2010-2011.

Allocating the Cost of Enforcement

DCA has consistently seen enforcement costs increasing at a faster rate than general operating costs. There are two sources of enforcement costs:

- 1) External costs, which are assigned to the Board and include State Attorney General, the Office of Administrative Hearings, Evidence & Witness Fees, and Investigations Pro Rata; and
- 2) Direct Board expense from staff who process complaints and initiate investigations.

The Board has decided to include enforcement costs within the renewal fees, and this policy is consistent with what other DCA boards and bureaus have done as well. In 2020, The Board did not collect all the fines that it assessed. In the last two years, the Board assessed over \$210,000 in fines and collected just over \$150,000. Though the Board collected most of the fines assessed, the difference of the uncollected fines is significant when fiscal insolvency is on the horizon.

Setting Caps

The Board does have some ability to regularly adjust fees, though the Board has not changed the application and renewal fees in 30 years. The Board would like to explore assessing fees regularly to maintain alignment of revenues and expenditures by setting statutory caps with regular assessment of the fee levels.

Attachment A: Annual Budget Change

Attachment B: Annual Expenses Change

Attachment C: Board Fund Condition

Attachment D: Application Processing Times and Cost Analysis

Attachment E: Renewal Fee Scenarios

Attachment F: Nationwide Application and Renewal Fee Comparison of Psychology Boards

Attachment G: DCA Application and Renewal Fee Comparison of Healing Arts

Attachment H: Cost Recovery Ordered vs. Collected

Attachment I: DCA Cost Recovery Ordered vs. Collected Comparison of Healing Arts

Attachment J: Stakeholder PowerPoint Presentation

Attachment K: Assembly Committee on Business & Professions

Fee Background Information Questionnaire

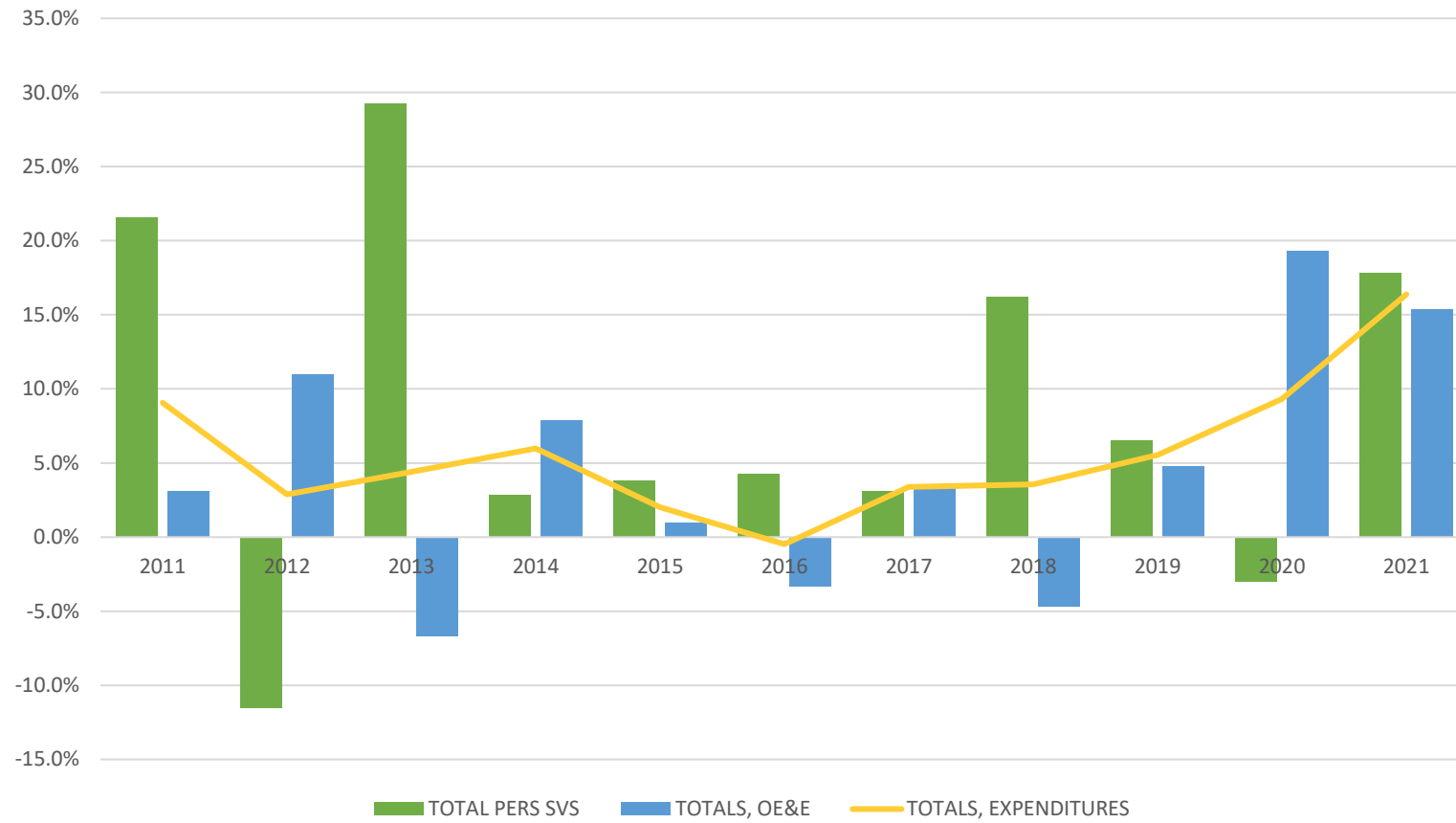
Attachment L: PSB Share of Enforcement Costs

	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
OBJECT DESCRIPTION	PY +10	PY +9	PY +8	PY +7	PY +6	PY +5	PY +4	PY +3	PY +2	PY +1	PY	CY
PERSONNEL SERVICES												
Civil Service-Perm	802,819	983,115	803,277	1,046,037	1,010,016	1,093,000	1,149,000	1,097,000	1,371,000	1,356,000	1,307,000	1,605,000
Temp Help (907)	-	-	-	47,000	100,000	47,000	47,000	47,000	47,000	47,000	47,000	47,000
Statutory-Exempt (EO)	87,660	86,174	85,670	89,820	83,064	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Board/Commission (910,920)	12,164	12,164	12,164	12,164	12,164	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Overtime (909)	-	-	-	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Benefits	373,375	469,675	471,729	569,482	610,482	643,000	668,000	782,000	838,000	1,007,000	980,000	1,119,000
TOTAL PERS SVS	1,276,018	1,551,128	1,372,840	1,774,503	1,825,726	1,895,000	1,976,000	2,038,000	2,368,000	2,522,000	2,446,000	2,883,000
OPERATING EXPENSES & EQUIPMENT												
GENERAL EXPENSE	128,426	121,679	136,098	35,494	95,998	35,000	35,000	256,000	38,000	71,000	76,000	73,000
FINGERPRINT REPORTS	63,000	40,957	90,957	34,393	34,393	34,000	34,000	34,000	34,000	34,000	34,000	34,000
MINOR EQUIPMENT	8,150	-	7,550	-	-	-	-	-	-	-	-	-
PRINTING	82,523	101,970	129,034	94,034	41,034	94,000	94,000	95,000	95,000	51,000	53,000	55,000
COMMUNICATION	25,728	45,871	42,396	37,825	37,825	38,000	38,000	41,000	41,000	42,000	44,000	31,000
POSTAGE	77,093	96,540	138,789	23,604	23,604	24,000	24,000	25,000	25,000	26,000	27,000	19,000
INSURANCE	-	-	-	-	-	-	-	-	-	-	-	-
TRAVEL IN STATE	54,196	64,405	64,266	64,266	64,266	64,000	64,000	19,000	19,000	19,000	22,000	25,000
TRAVEL OUT-OF-STATE	-	-	-	-	-	-	-	-	-	-	-	-
TRAINING	12,397	14,088	13,626	13,626	13,626	14,000	14,000	15,000	15,000	16,000	17,000	18,000
FACILITIES OPERATIONS	134,515	138,628	138,628	138,628	138,628	139,000	139,000	139,000	139,000	139,000	146,000	153,000
UTILITIES	-	-	-	-	-	-	-	-	-	-	-	-
C & P SVCS. - INTER	2,625	2,625	2,625	2,625	2,625	3,000	449,000	263,000	263,000	263,000	263,000	263,000
C & P SVCS. - EXTERNAL	-	-	52,000	61,000	64,000	64,000	63,000	66,000	55,000	55,000	46,000	38,000
<i>SUBTOTAL</i>	588,653	626,763	815,969	505,495	515,999	509,000	954,000	953,000	724,000	716,000	728,000	709,000
DEPARTMENT PRORATA												
DP BILLING (OIS)	199,658	216,405	279,384	337,148	509,148	471,000	477,000	512,000	518,000	415,000	360,000	404,000
ADMIN / EXEC	141,248	135,355	157,819	190,257	241,257	256,000	264,000	301,000	366,000	430,000	416,000	483,000
DOI-PRO RATA INTERNAL	4,816	5,504	6,398	5,957	6,957	7,000	7,000	7,000	11,000	14,000	11,000	14,000
PUBLIC AFFAIRS OFFICE	9,704	9,345	9,152	5,812	5,812	41,000	41,000	18,000	23,000	22,000	30,000	31,000
CONSUMER & COMM. RELATIONS	5,910	10,135	11,096	6,353	8,353	2,000	2,000	19,000	21,000	24,000	23,000	29,000
<i>SUBTOTAL</i>	361,336	376,744	463,849	545,527	771,527	777,000	791,000	857,000	939,000	905,000	840,000	961,000
INTERAGENCY												
INTERAGENCY SVCS	225	15,225	225	53,836	53,836	54,000	54,000	54,000	54,000	54,000	54,000	54,000
INTERAGENCY SVCS - OER	53,611	53,611	53,611	-	-	-	-	-	-	-	-	-
CONSOLIDATED DATA CNTR (TEALE)	5,436	4,863	5,074	5,074	5,074	5,000	5,000	6,000	6,000	7,000	11,000	15,000
DP REPAIR & MAINTENANCE	5,757	7,358	7,358	7,358	7,358	7,000	7,000	7,000	7,000	-	-	-
STATEWIDE PRO RATA	116,570	148,485	189,890	235,727	225,000	227,000	-	-	-	-	-	-
<i>SUBTOTAL</i>	181,599	229,542	256,158	301,995	291,268	293,000	66,000	67,000	67,000	61,000	65,000	69,000
EXAM EXPENSES												
EXAM SUPPLIES	-	-	-	-	-	-	-	-	-	-	-	-
EXAM FREIGHT	-	-	-	-	-	-	-	-	-	-	-	-
EXAM SITE RENTAL	-	-	-	-	-	-	-	-	-	-	-	-
EXAM ADMIN	108,872	108,872	108,872	85,872	85,872	86,000	86,000	86,000	86,000	86,000	86,000	86,000
C/P SVS - EXPERT EXAMINERS	195,669	195,669	195,669	195,669	195,669	196,000	196,000	196,000	196,000	196,000	196,000	196,000
C/P SVS - EXTERNAL SUBJ MATTER	-	-	-	-	-	-	-	-	-	-	-	-
<i>SUBTOTAL</i>	304,541	304,541	304,541	281,541	281,541	282,000	282,000	282,000	282,000	282,000	282,000	282,000
ENFORCEMENT EXPENSES												
ATTORNEY GENERAL	576,237	576,237	576,237	576,237	576,237	605,000	694,000	755,000	755,000	938,000	974,000	974,000
OFFICE OF ADMIN. HEARINGS	115,627	115,627	115,627	115,627	115,627	116,000	136,000	116,000	116,000	116,000	116,000	116,000

EVI./WIT. FEES	90,366	90,366	90,366	90,366	90,366	90,000	90,000	90,000	90,000	90,000	90,000	255,000
COURT REPORTERS SER	-	-	-	-	-	-	-	-	-	-	-	13,000
DOI-INVESTIGATIVE	445,709	445,709	445,709	445,709	445,709	446,000	-	-	-	-	563,000	874,000
<i>SUBTOTAL</i>	1,227,939	1,227,939	1,227,939	1,227,939	1,227,939	1,257,000	920,000	961,000	961,000	1,144,000	1,743,000	2,232,000
EQUIPMENT / OTHER												
INFORMATION TECHNOLOGY OTHER	-	-	-	-	-	-	-	-	-	7,000	27,000	27,000
EQUIPMENT, REPLACEMENT	-	-	-	-	-	-	-	-	-	-	-	-
EQUIPMENT, ADDITIONAL	18,000	-	-	-	-	-	-	-	-	-	31,000	8,000
OTHER ITEMS OF EXPENSE	-	-	-	-	-	-	-	-	-	-	-	-
VEHICLE OPERATIONS	-	-	-	-	-	-	-	-	-	-	-	-
<i>SUBTOTAL</i>	18,000	-	-	-	-	-	-	-	-	7,000	58,000	35,000
TOTALS, OE&E	2,682,068	2,765,529	3,068,456	2,862,497	3,088,274	3,118,000	3,013,000	3,120,000	2,973,000	3,115,000	3,716,000	4,288,000
TOTALS, PERSONAL SERVICES	1,276,018	1,551,128	1,372,840	1,774,503	1,825,726	1,895,000	1,976,000	2,038,000	2,368,000	2,522,000	2,446,000	2,883,000
TOTALS, EXPENDITURES	3,958,086	4,316,657	4,441,296	4,637,000	4,914,000	5,013,000	4,989,000	5,158,000	5,341,000	5,637,000	6,162,000	7,171,000

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
OBJECT DESCRIPTION	PY +9	PY +8	PY +7	PY +6	PY +5	PY +4	PY +3	PY +2	PY +1	PY	CY
PERSONNEL SERVICES											
Civil Service-Perm	22.5%	-18.3%	30.2%	-3.4%	8.2%	5.1%	-4.5%	25.0%	-1.1%	-3.6%	22.8%
Temp Help (907)	0.0%	0.0%	0.0%	112.8%	-53.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Statutory-Exempt (EO)	-1.7%	-0.6%	4.8%	-7.5%	8.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Board/Commission (910,920)	0.0%	0.0%	0.0%	0.0%	-1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Overtime (909)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Benefits	25.8%	0.4%	20.7%	7.2%	5.3%	3.9%	17.1%	7.2%	20.2%	-2.7%	14.2%
TOTAL PERS SVS	21.6%	-11.5%	29.3%	2.9%	3.8%	4.3%	3.1%	16.2%	6.5%	-3.0%	17.9%
OPERATING EXPENSES & EQUIPMENT											
<i>SUBTOTAL</i>	6.5%	30.2%	-38.0%	2.1%	-1.4%	87.4%	-0.1%	-24.0%	-1.1%	1.7%	-2.6%
DEPARTMENT PRORATA											
<i>SUBTOTAL</i>	4.3%	23.1%	17.6%	41.4%	0.7%	1.8%	8.3%	9.6%	-3.6%	-7.2%	14.4%
INTERAGENCY											
<i>SUBTOTAL</i>	26.4%	11.6%	17.9%	-3.6%	0.6%	-77.5%	1.5%	0.0%	-9.0%	6.6%	6.2%
EXAM EXPENSES											
<i>SUBTOTAL</i>	0.0%	0.0%	-7.6%	0.0%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
ENFORCEMENT EXPENSES											
<i>SUBTOTAL</i>	0.0%	0.0%	0.0%	0.0%	2.4%	-26.8%	4.5%	0.0%	19.0%	52.4%	28.1%
EQUIPMENT / OTHER											
<i>SUBTOTAL</i>	-100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	728.6%	-39.7%
TOTALS, OE&E	3.1%	11.0%	-6.7%	7.9%	1.0%	-3.4%	3.6%	-4.7%	4.8%	19.3%	15.4%
TOTALS, PERSONAL SERVICES	21.6%	-11.5%	29.3%	2.9%	3.8%	4.3%	3.1%	16.2%	6.5%	-3.0%	17.9%
TOTALS, EXPENDITURES	9.1%	2.9%	4.4%	6.0%	2.0%	-0.5%	3.4%	3.5%	5.5%	9.3%	16.4%
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021

Annual Budget Change



0310 - Psychology

Fund Condition Analysis

Prepared 1.31.2022

(Dollars in Thousands)

2022-23 Governor's Budget with FM 6 Projections

	Actual 2020-21	CY 2021-22	Governor's Budget BY 2022-23	BY +1 2023-24
BEGINNING BALANCE	\$ 11,396	\$ 8,666	\$ 6,259	\$ 3,370
Prior Year Adjustment	\$ -352	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 11,044	\$ 8,666	\$ 6,259	\$ 3,370
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 79	\$ 60	\$ 57	\$ 57
4127400 Renewal fees	\$ 3,798	\$ 3,657	\$ 3,585	\$ 3,585
4129200 Other regulatory fees	\$ 178	\$ 183	\$ 95	\$ 95
4129400 Other regulatory licenses and permits	\$ 574	\$ 549	\$ 590	\$ 590
4163000 Income from surplus money investments	\$ 55	\$ 122	\$ 35	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 3	\$ 1	\$ 1
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgements - Other	\$ 4	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,690	\$ 4,575	\$ 4,364	\$ 4,329
Transfers to Other Funds				
GF Loan Per Item 1111-011-0310 BA of 2020	\$ -900	\$ -	\$ -	\$ -
GF Loan Repayment Per Item 1111-011-0310 BA of 2020	\$ -	\$ -	\$ 900	\$ -
Totals, Revenues and Transfers	\$ 3,790	\$ 4,575	\$ 5,264	\$ 4,329
Totals, Resources	\$ 14,834	\$ 13,241	\$ 11,523	\$ 7,699
EXPENDITURES				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 5,783	\$ 6,539	\$ 7,603	\$ 7,831
9892 Supplemental Pension Payments (State Operations)	\$ 94	\$ 94	\$ 94	\$ 94
9900 Statewide General Administrative Expenditures (Pro Rata)(State Total Disbursements	\$ 291	\$ 349	\$ 456	\$ 456
	\$ 6,168	\$ 6,982	\$ 8,153	\$ 8,382
FUND BALANCE				
Reserve for economic uncertainties	\$ 8,666	\$ 6,259	\$ 3,370	\$ -683
Months in Reserve	14.9	9.2	4.8	-1.0

NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..
- ASSUMES INTEREST RATE OF 1.5%
- CY REVENUES AND EXPENDITURES ARE PROJECTIONS

Psychologist and Psychological Associate Application Processing Time, and Cost Determination

Applications and Annual Workload			Central Services Unit Hours		Licensing Unit Hours				Hourly Totals	
Application	Annual Workload	Percent of Total Annual Workload	Office Technician Minutes Per Transaction	Office Technician Total Annual Hours Per Transactions in a Year	Office Technician Minutes Per Transaction	Staff Services Analyst Minutes Per Transaction	Office Technician Total Annual Hours Per Transactions in a Year	Staff Services Analyst Total Annual Hours Per Transactions in a Year	Combined OT Hourly Total Per Transaction in a Year	Combined SSA Hourly Total Per Transaction in a Year
Application for Licensure as a Psychologist	1556	26.23%	20	519	11.98	171.52	311	4448	829	4448
Application to take CPLEE	1193	20.11%	3	60	2.36	72.52	47	1442	107	1442
Fingerprint Hard Card Processing for Out of State Applicants	468	7.89%	1	8	0.13	140.00	1	1092	9	1092
Application for Initial Licensure	1577	26.58%	8	210	0.92	186.51	24	4902	234	4902
Application for Registration as a Psychological Associate	744	12.54%	23	285	1.08	388.63	13	4819	299	4819
Add or Change Supervisor for Psychological Associate	395	6.66%	7	46	0.00	164.05	0	1080	46	1080
Workload Total	5933									

Hourly Costs						Cost Totals					
OT Hourly Cost	SSA Hourly Cost	Licensing SSM Yearly Supervision Cost	Central Services SSMI Yearly Supervision Cost and Licensure Work (55% of Average Salary)	AEO Yearly Cost Related to Licensure (40% of Average Salary)	EO Yearly Cost Related to Licensure (50% of Average Salary)	OT Application Cost	SSA Application Cost	Licensing SSMI Application Cost	CS SSMI Application Cost	AEO Application Cost	EO Application Cost
\$47.07	\$53.62	\$132,376.85	\$72,807.26	\$56,894.56	\$82,378.65	\$39,033	\$238,502	\$34,717.41	\$19,094.57	\$14,921.28	\$21,604.78
						\$5,016	\$77,320	\$26,618.17	\$14,639.99	\$11,440.28	\$16,564.59
						\$414	\$58,553	\$10,442.00	\$5,743.10	\$4,487.89	\$6,498.10
						\$11,035	\$262,845	\$35,185.96	\$19,352.28	\$15,122.66	\$21,896.36
						\$14,056	\$258,395	\$16,600.10	\$9,130.05	\$7,134.59	\$10,330.31
						\$2,169	\$57,910	\$8,813.22	\$4,847.27	\$3,787.86	\$5,484.50

Application	Appropriate Fee				Current Fee
	Yearly Cost Total		Applications Per Year	Cost Per transaction	
Application for Licensure as a Psychologist	\$367,873		1556	\$236	\$40
Application to Take CPLEE	\$151,599		1193	\$127	\$0
Fingerprint Hard Card Processing for Out of State Applicants	\$86,138		468	\$184	\$0
Application for Initial Licensure	\$365,437		1577	\$232	\$400
Application for Registration as a Psychological Associate	\$315,646		744	\$424	\$40
Add or Change Supervisor for Psychological Associate	\$83,012		395	\$210	\$0

Psychologist and Psychological Associate Renewal Cost Determination

Option 1

With Inactive and PSB Paying 0% of Enforcement and 100% of Renewal Responsibility					
RENEWAL TRANSACTIONS (3 Year Average)	Percent of Total Renewals	Responsibility of Ren with specific Enf	Renewal fee dollars/quantity	Renewal Fee with 8% Increase	
Biennial Renewal (PSY)	8,738	79.54%	\$6,256,257	\$716	\$773
Inactive Renewal (PSY)	1,382	12.58%	\$282,955	\$205	\$221
Annual Renewal (PSB)	866	7.88%	\$359,083	\$415	\$448

Option 2

With Inactive Paying 0% of Enforcmeent and PSB Paying 0% of Enforcement and 75% of Renewal Responsibility					
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Option 3

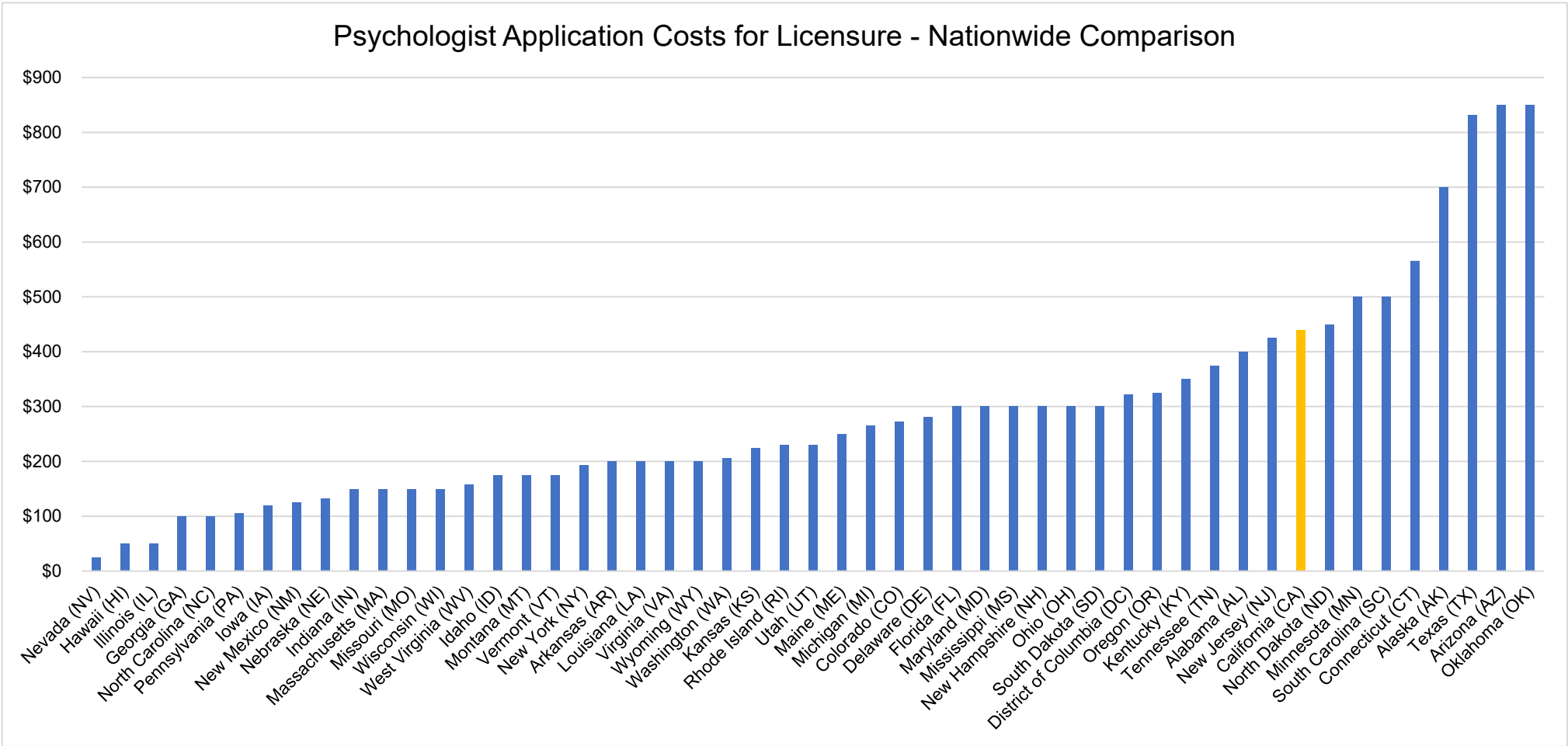
With Inactive Paying 0% of Enforcmeent and PSB Paying 0% of Enforcement and 50% of Renewal Responsibility					
RENEWAL TRANSACTIONS (3 Year Average)	Percent of Total Renewals	Responsibility of Ren with specific Enf	Renewal fee dollars/quantity	Renewal Fee with 8% Increase	
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Option 4

With Inactive Paying 0% of Enforcmeent and PSB Paying 0% of Enforcement and 25% of Renewal Responsibility					
RENEWAL TRANSACTIONS (3 Year Average)	Percent of Total Renewals	Responsibility of Ren with specific Enf	Renewal fee dollars/quantity	Renewal Fee with 8% Increase	
Biennial Renewal (PSY)	8,738	79.54%	\$6,525,570	\$747	\$807
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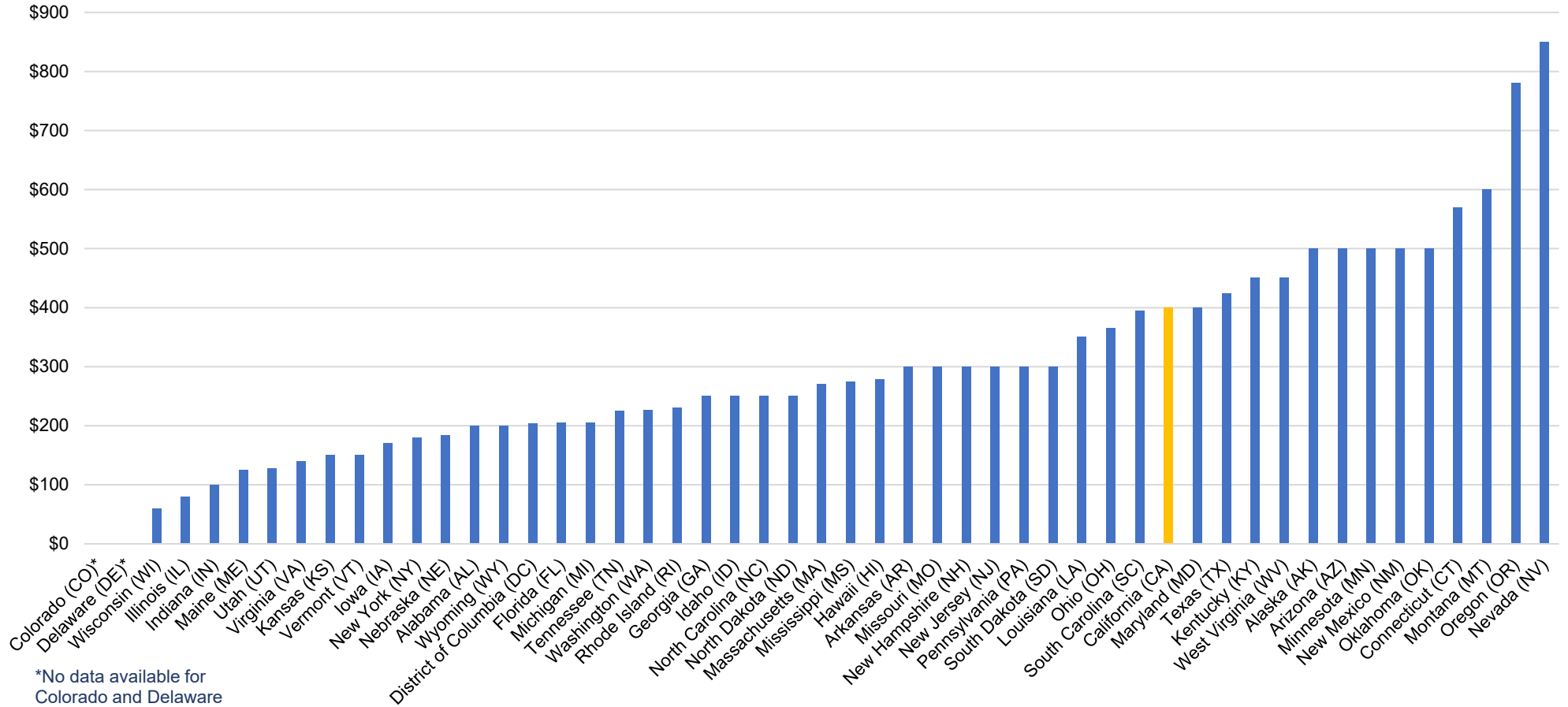
Item 5, Attachment C: Nationwide Application and Renewal Fee Comparison of Psychology Boards

Psychologist Application Costs for Licensure - Nationwide Comparison

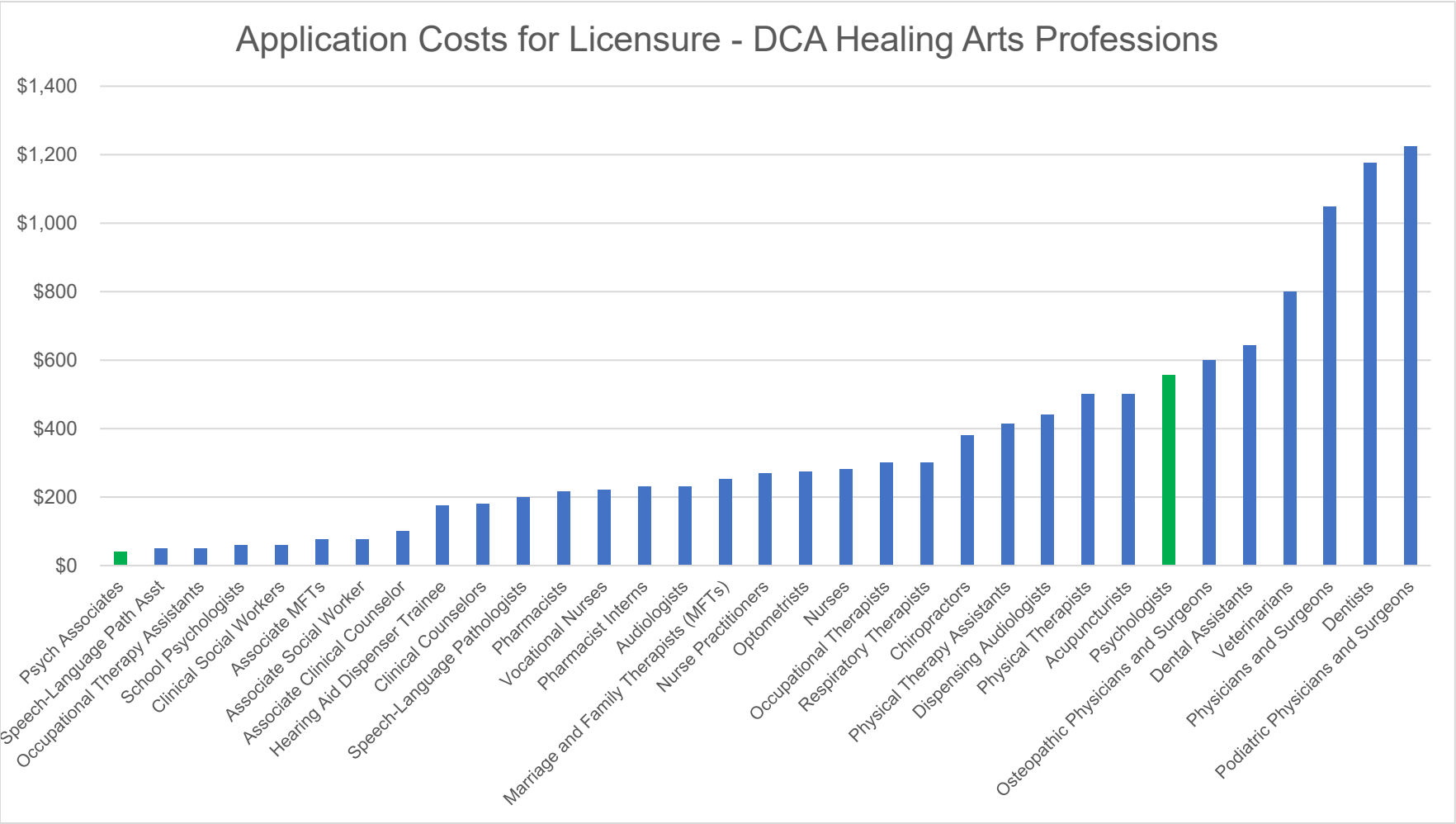


Item 5, Attachment C: Nationwide Application and Renewal Fee Comparison of Psychology Boards

Psychology Renewal Fee - Nationwide Comparison

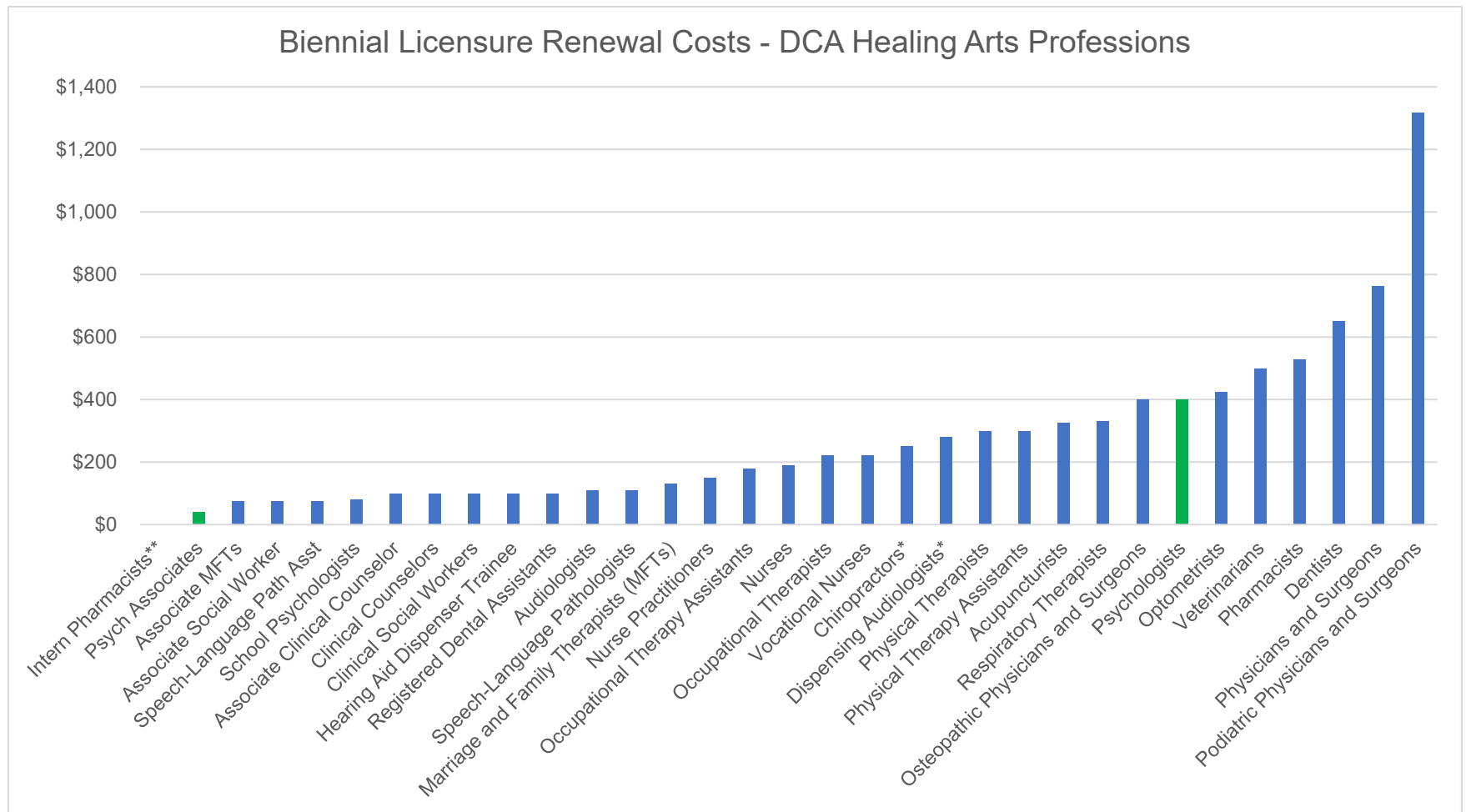


Item 5, Attachment D: DCA Application and Renewal Fee Comparison of Healing Arts



Data taken from DCA 2020 Annual Report

Item 5, Attachment D: DCA Application and Renewal Fee Comparison of Healing Arts



*Chiropractors and Dispensing Audiologists pay renewal fees annually.

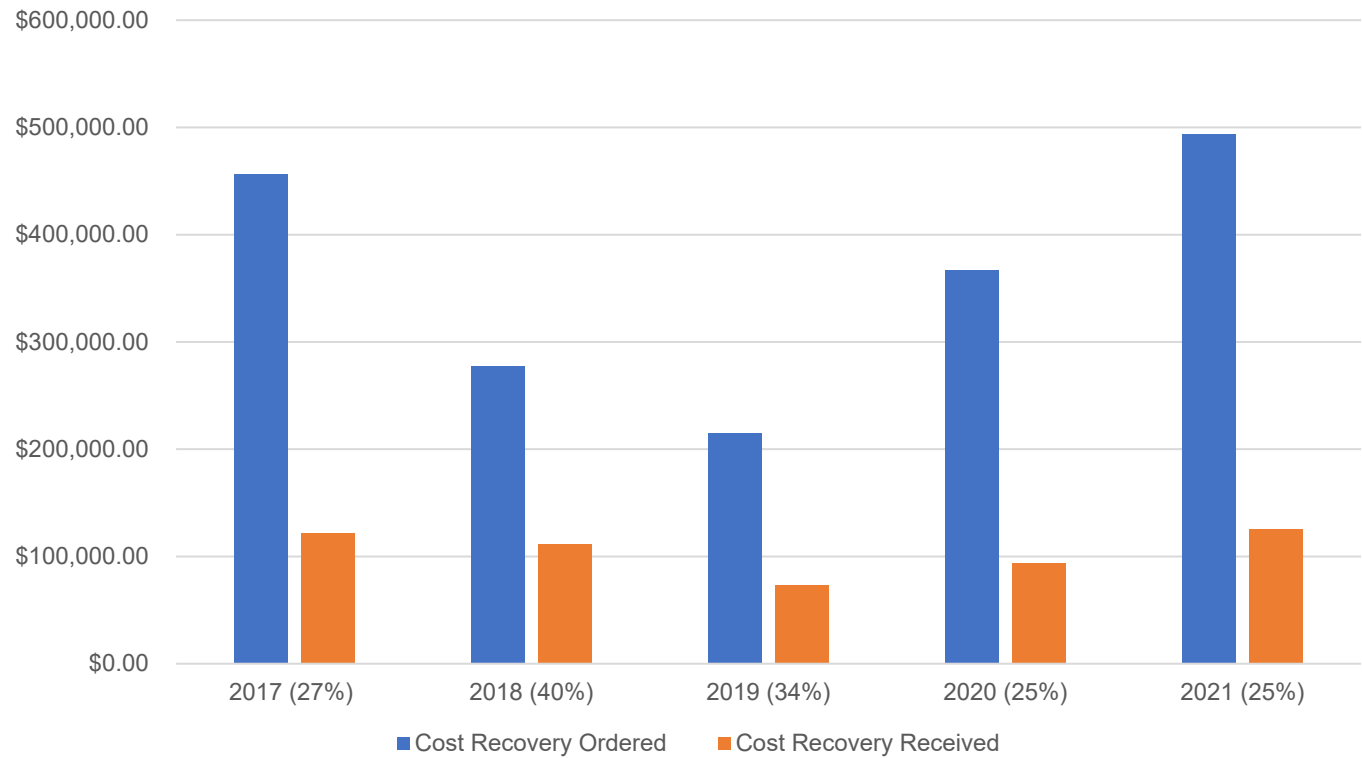
**Intern Pharmacists do not pay renewal fees.

Data taken from DCA 2020 Annual Report

ATTACHMENT E: Cost Recovery Ordered vs. Received

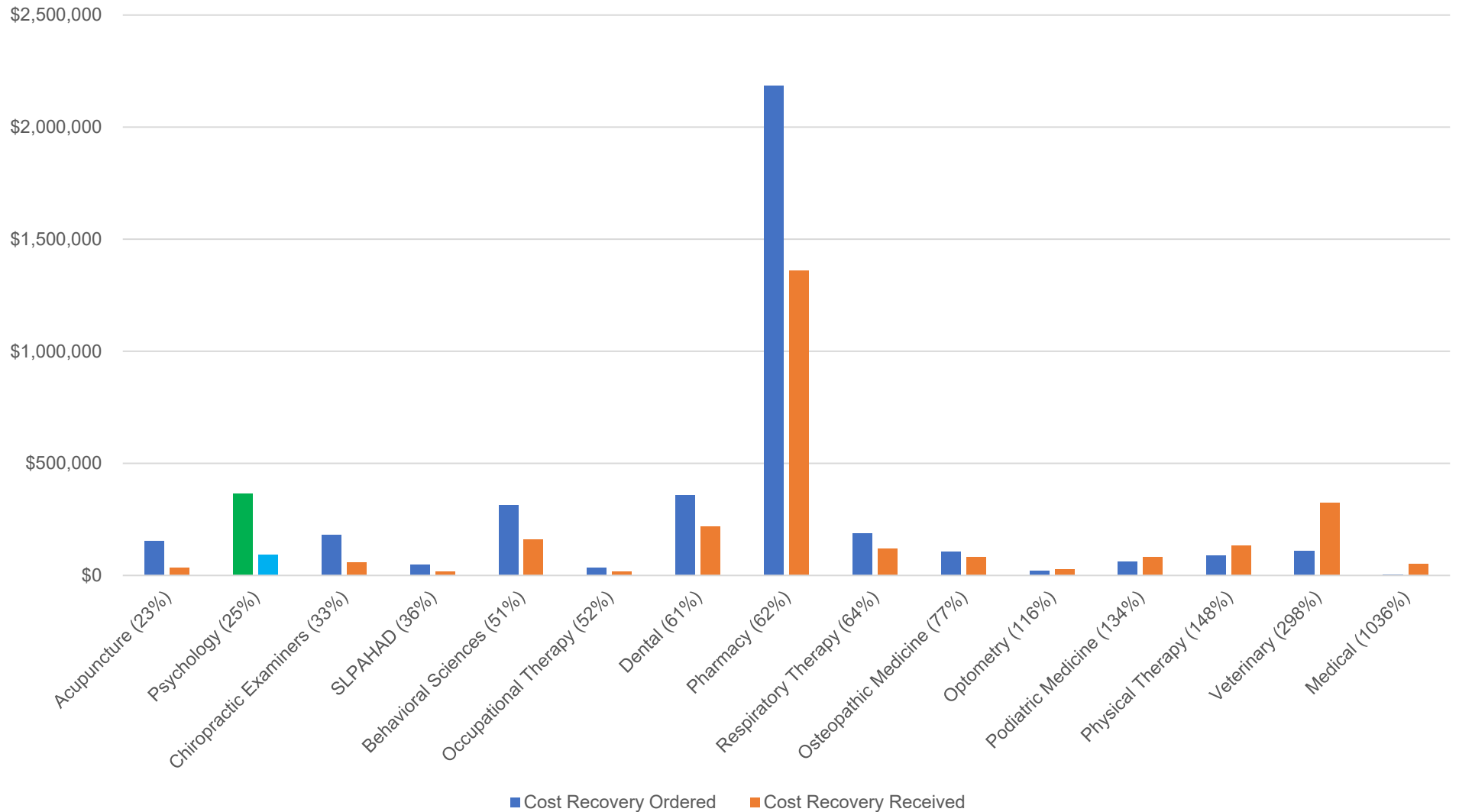
Fiscal Year	Cost Recovery Ordered	Cost Recovery Received
2017	\$456,635.00	\$122,016.46
2018	\$277,194.00	\$111,411.41
2019	\$214,970.00	\$72,983.88
2020	\$366,673.58	\$93,406.33
2021	\$493,967.02	\$125,483.16

Board of Psychology
Cost Recovery: Ordered vs. Received

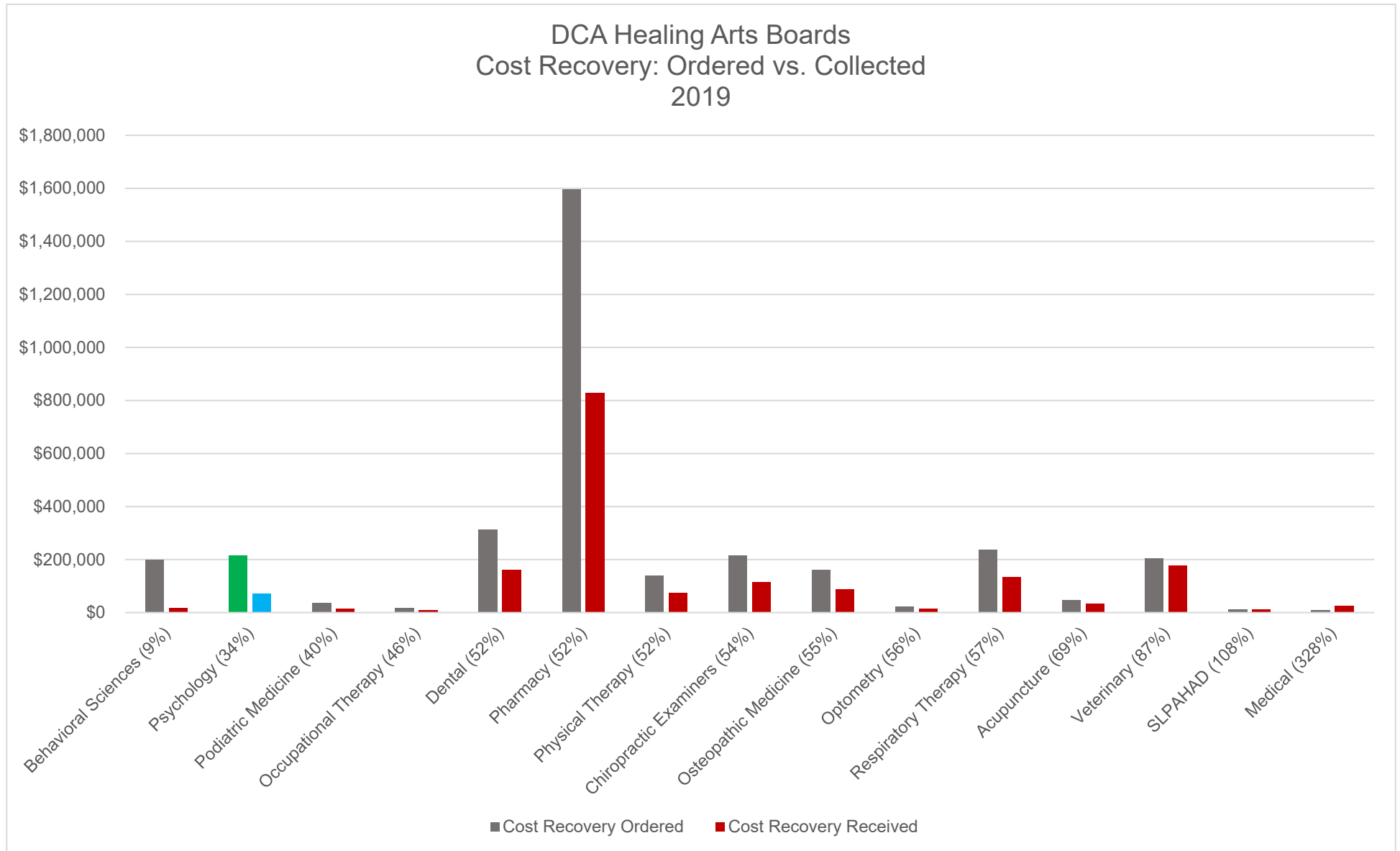


Item 5, Attachment F: DCA Cost Recovery Ordered vs. Collected Comparison of Healing Arts

DCA Healing Arts Boards
Cost Recovery: Ordered vs. Collected
2020



Item 5, Attachment F: DCA Cost Recovery Ordered vs. Collected Comparison of Healing Arts





AD HOC BUDGET COMMITTEE MEETING

February 25, 2022

1:00 PM





1. Call to Order/Roll Call/ Establishment of a Quorum

Shacunda Rodgers, PhD
Julie Nystrom





2. Chair Welcome





3. Budget Overview, Department of Consumer Affairs' Budget Staff.



DCA

Budget Office

Presents





A Board's Budget



What Do Boards Do?

Responsibility & Function

Statutory & Regulatory

- **Current Law**
– **BPC & Other**
- **New Legislation**
- **CA Code Regs**

Programmatic Accountability

- **Licensing**
- **Education**
- **Enforcement**
- **Administration**



Step #1

Fund

Condition

Statement



Psychology Fund (Fund 0310)

0310 - Psychology Fund Condition Analysis

(Dollars in Thousands)

Prepared 1.31.2022

2022-23 Governor's Budget with FM 6 Projections

	Actual 2020-21	CY 2021-22	Governor's Budget BY 2022-23	BY +1 2023-24
BEGINNING BALANCE	\$ 11,396	\$ 8,666	\$ 6,259	\$ 3,370
Prior Year Adjustment	\$ -352	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 11,044	\$ 8,666	\$ 6,259	\$ 3,370
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 79	\$ 60	\$ 57	\$ 57
4127400 Renewal fees	\$ 3,798	\$ 3,657	\$ 3,585	\$ 3,585
4129200 Other regulatory fees	\$ 178	\$ 183	\$ 95	\$ 95
4129400 Other regulatory licenses and permits	\$ 574	\$ 549	\$ 590	\$ 590
4163000 Income from surplus money investments	\$ 55	\$ 122	\$ 35	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 3	\$ 1	\$ 1
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgements - Other	\$ 4	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,690	\$ 4,575	\$ 4,364	\$ 4,329
Transfers to Other Funds				
GF Loan Per Item 1111-011-0310 BA of 2020	\$ -900	\$ -	\$ -	\$ -
GF Loan Repayment Per Item 1111-011-0310 BA of 2020	\$ -	\$ -	\$ 900	\$ -
Totals, Revenues and Transfers	\$ 3,790	\$ 4,575	\$ 5,264	\$ 4,329
Totals, Resources	\$ 14,834	\$ 13,241	\$ 11,523	\$ 7,699
EXPENDITURES				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 5,783	\$ 6,539	\$ 7,603	\$ 7,831
9892 Supplemental Pension Payments (State Operations)	\$ 94	\$ 94	\$ 94	\$ 94
9900 Statewide General Administrative Expenditures (Pro Rata)(State Total Disbursements	\$ 291	\$ 349	\$ 456	\$ 456
Total Disbursements	\$ 6,168	\$ 6,982	\$ 8,153	\$ 8,382
FUND BALANCE				
Reserve for economic uncertainties	\$ 8,666	\$ 6,259	\$ 3,370	\$ -683
Months in Reserve	14.9	9.2	4.8	-1.0





Revenues

2021-22*

***Projected FM6**





Revenues - \$4.6 M*

- **Delinquent Fees (1%)**
- **Other – Fines, CE & Duplicates (4%)**
- **License – Initial, App & Exam (12%)**
- **Renewal License – Biennial (80%)**
- **Surplus Investments – (3%)**
- **General Fund Loans – \$900,000**
- **Reimbursements – Not Revenues**



Step #2

Expenditures

2021-22*

***Projected**





Expenditures - \$6.5M*

- **Licensing – Processing**
- **Education – Qualifications**
- **Enforcement – Compliance**
- **Administration – Operations**



Other Non-Board Costs

- **Pension Payments**
- **Statewide Pro Rata**



Step #3

Expenditures

Discretionary

vs.

Non-Discretionary



Board of Psychology (Sample)

Personal Services	Budget	Current Month	YTD	YTD + Enc	Projected Year End	Balance
PERMANENT POSITIONS	\$1,695,000	\$166,080	\$789,914	\$789,914	\$1,969,026	-\$274,026
TEMPORARY POSITIONS	\$47,000	\$0	\$9,239	\$9,239	\$14,357	\$32,643
PER DIEM/OVERTIME/LUMP SUM	\$22,000	\$2,300	\$14,224	\$14,224	\$42,142	-\$20,142
STAFF BENEFITS	\$1,077,000	\$88,338	\$462,497	\$462,497	\$1,147,850	-\$70,850
PERSONAL SERVICES	\$2,756,000	\$256,718	\$1,275,874	\$1,275,874	\$3,173,374	-\$332,374
Operating Expenses & Equipment	Budget	Current Month	YTD	YTD + Enc	Projected Year End	Balance
GENERAL EXPENSE	\$115,000	\$2,416	\$7,325	\$28,340	\$41,017	\$73,983
PRINTING	\$55,000	\$1,675	\$3,799	\$11,561	\$26,545	\$28,455
COMMUNICATIONS	\$46,000	\$275	\$1,011	\$1,011	\$5,325	\$40,675
POSTAGE	\$28,000	\$0	\$0	\$0	\$2,200	\$25,800
INSURANCE	\$0	\$0	\$0	\$0	\$355	-\$355
IN-STATE TRAVEL	\$25,000	\$278	\$580	\$580	\$3,500	\$21,500
TRAINING	\$18,000	\$0	\$0	\$0	\$1,100	\$16,900
FACILITIES	\$153,000	\$18,109	\$91,228	\$224,132	\$227,845	-\$74,845
C/P SERVICES (INTERNAL) - AG/OAH	\$1,353,000	\$98,480	\$450,042	\$450,042	\$1,300,417	\$52,583
C/P SERVICES (EXTERNAL)	\$596,000	\$20,813	\$119,219	\$240,285	\$397,867	\$198,133
DCA PRORATA (CCSD & DOI)	\$1,797,000	\$0	\$904,000	\$904,000	\$1,797,000	\$0
DEPARTMENTAL SERVICES	\$54,000	\$324	\$14,680	\$14,680	\$46,755	\$7,245
CONSOLIDATED DATA CENTERS	\$15,000	\$0	\$0	\$0	\$15,000	\$0
INFORMATION TECHNOLOGY	\$43,000	\$0	\$2,315	\$3,420	\$3,410	\$39,590
EQUIPMENT	\$8,000	\$0	\$0	\$6,473	\$6,473	\$6,473
OTHER ITEMS OF EXPENSE	\$0	\$0	\$0	\$0	\$3,800	-\$3,800
SPECIAL ITEMS OF EXPENSE	\$0	\$0	\$0	\$0	\$3,600	-\$3,600
OPERATING EXPENSES & EQUIPMENT	\$4,290,000	\$142,370	\$1,594,199	\$1,884,524	\$3,882,210	\$407,790
Overall Totals	\$7,046,000	\$399,088	\$2,870,073	\$3,160,398	\$7,055,584	\$75,416



Discretionary vs. Non-Discretionary

Considerations

- **Staffing Levels & Comp**
- **Policy & Program Goals**
- **Licensing Timeframes**
- **Enforcement Timeframes**
- **Operating Costs**
- **Short Term vs. Long Term**

Questions

- **Sufficient to meet goals?**
- **What are we doing?**
- **Are they being met?**
- **Are they being met?**
- **What is this cost?**
- **Where are we & where are we going?**



Responsibility

Board

- **Statutory**
- **Regulatory**
- **Fiduciary**
- **Programmatic**
- **Policy**
- **Mission**

DCA

- **Centralized Services**
 - **Exec, Legal, Legislation, Reg, Budget, Acct, Cashiering, IT, Procurement, Contracts, Facility**
- **Provide Support**
- **Technical Assistance**





Board, DCA, & Stakeholders

**Teamwork Leads
to
Success!**

Questions?

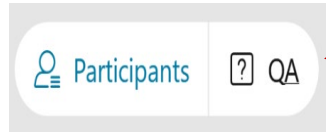
Comments?

Feedback?


Open for Public Comment

To make a public comment, please follow these steps:

1. Click **Q&A** icon at the bottom right corner of screen.

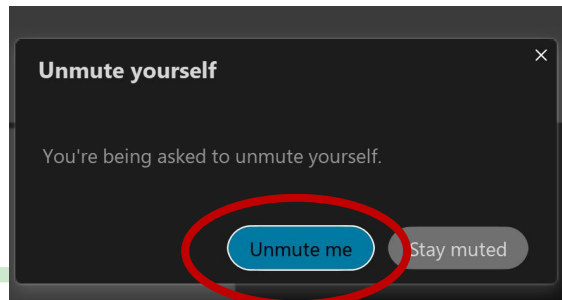


2. In Ask field type “**Comment**” and click Send.

Ask: 

Select a panelist in the Ask menu first and then type your question

3. When prompted, click the **Unmute me** button.



OR

1. Click the **Raise Hand** icon next to your name.



2. Call-in participants can **Raise Hand** by pressing *3.





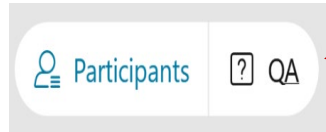
4. Board Budget Update




Open for Public Comment

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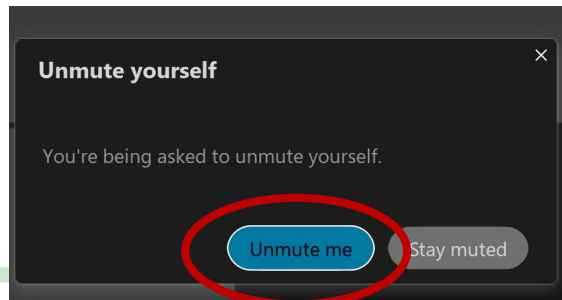


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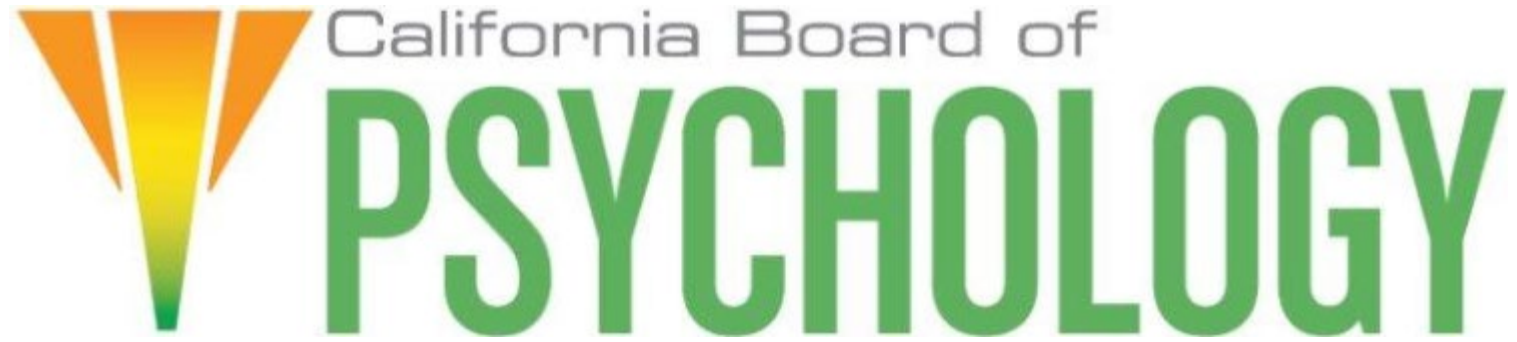
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5. Fee Analysis and Proposed Fees Presentation





Report – Fee Audit





Board of Psychology Budget

- The Board of Psychology has a budget appropriation of \$6,994,000, in the Governor's budget for Fiscal Year 2021-2022.
- The Board's (and all of California's) fiscal year begins July 1 and ends June 30.





Current State of the Board's Fund: An Unsustainable Model

- The Board has not increased its initial application or renewal fees since 1992 and as operating costs have increased, it has resulted in the structural imbalance.
- The Board is currently facing a budget structural deficit, with expenditures outpacing revenue streams.





The Psychology Fund

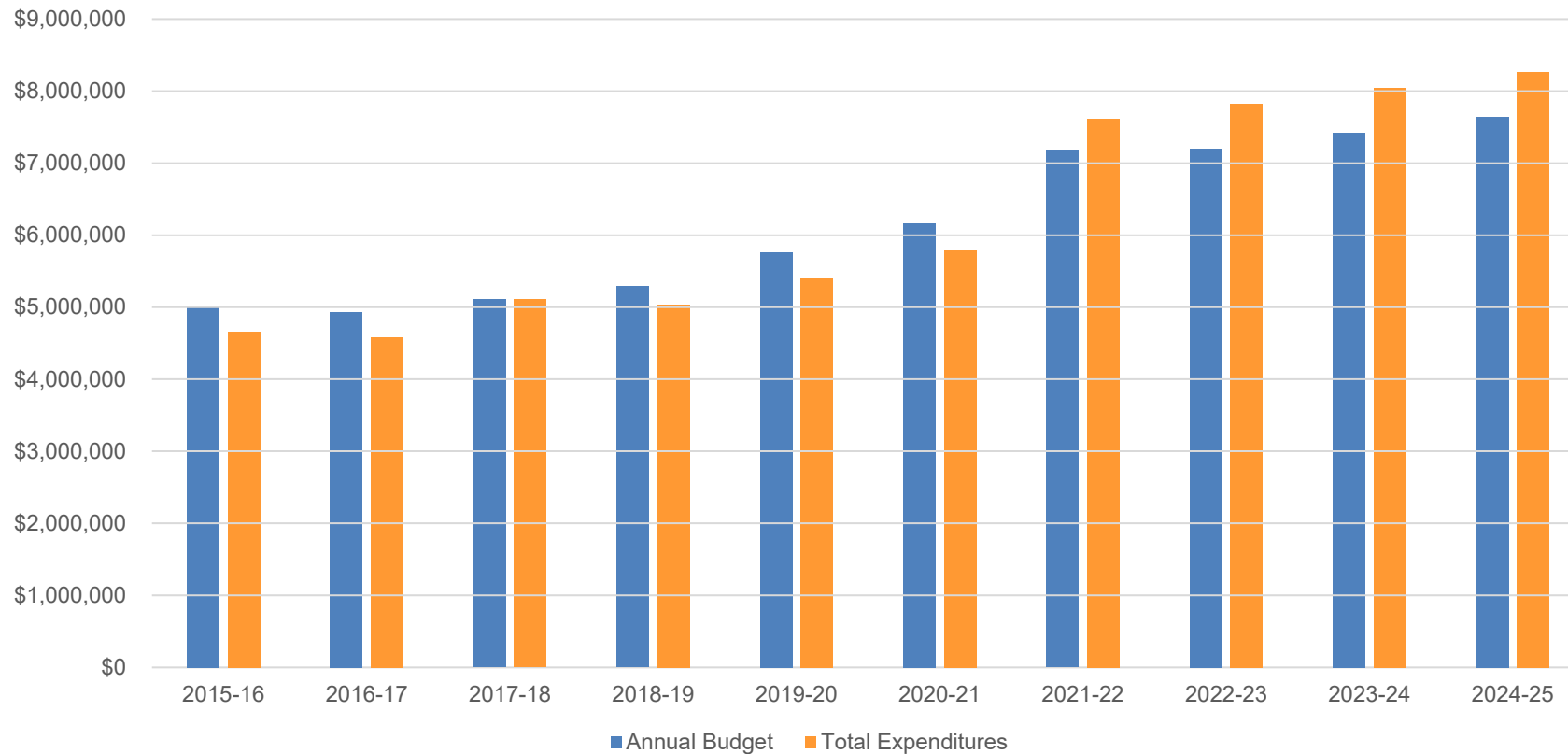
- The Board does not receive funding from California's General Fund and its primary source of revenue is fees charged for each of the various licenses.
- It is vital that the fees charged to licensees and applicants fully recover the costs of administering the program.





Actual Expenditures vs. Annual Budget

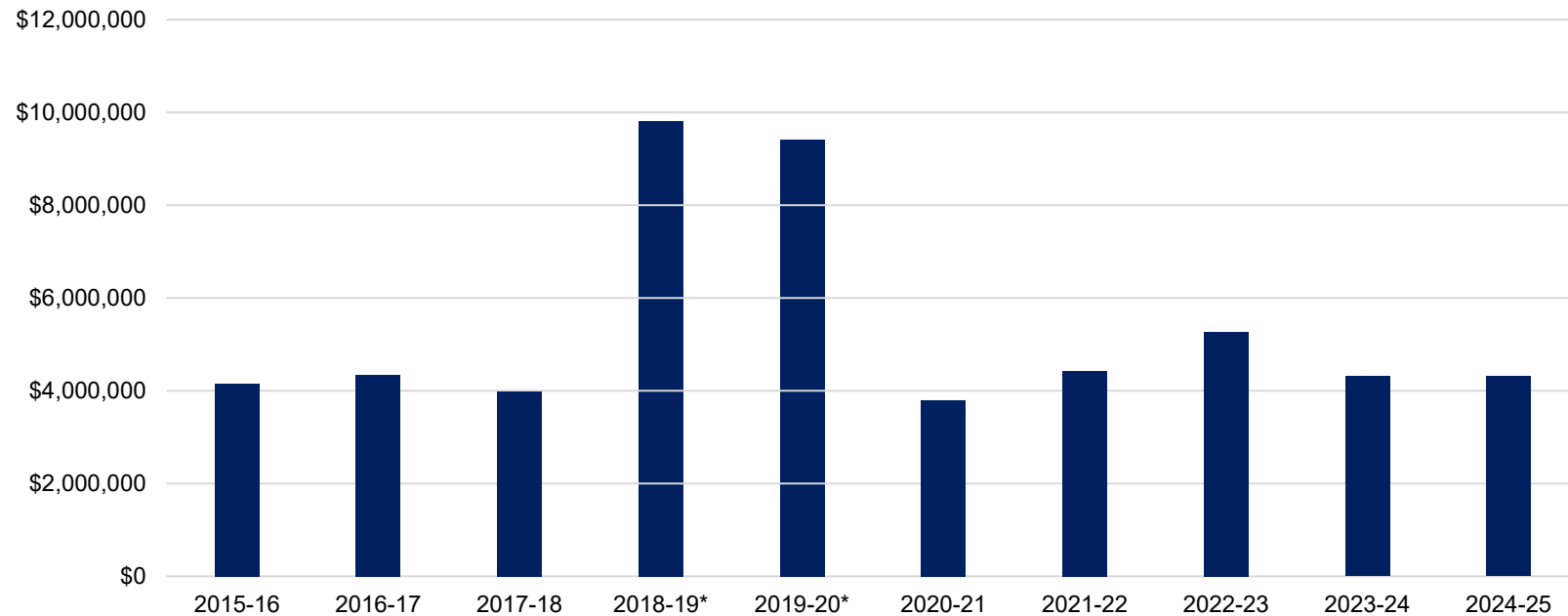
Board of Psychology
Actual Expenditures vs. Annual Budget





Year over Year Revenue

Board of Psychology Annual Revenue



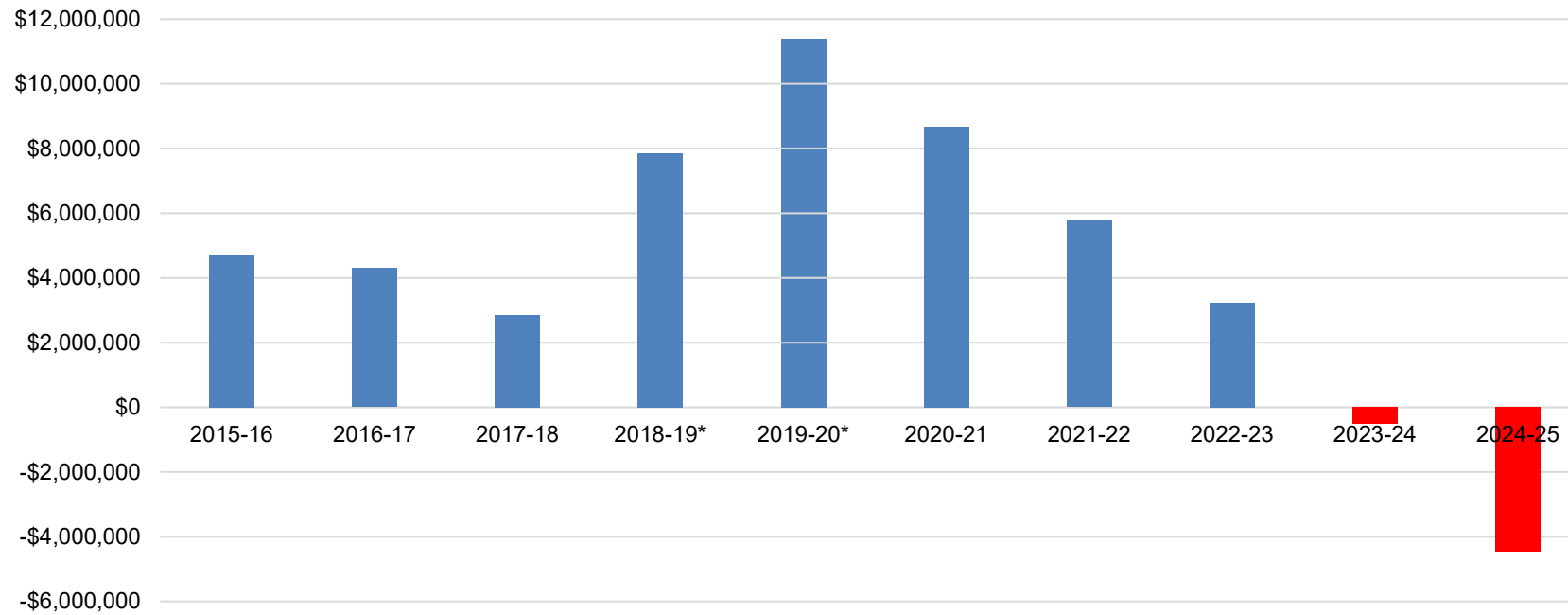
*Board received loan repayment from DOF in
FY 18-19 and 19-20





Fund Condition Shows Negative Trend

Board of Psychology
Fund Balance



*Board received loan repayment from DOF in
FY 18-19 and 19-20



Fee Schedule

DESCRIPTION OF FEE	FEE
Fees Paid to the Board of Psychology	
Application Fee - Psychologist	\$40.00
California Psychology Laws and Ethics Examination (CPLEE)	\$129.00
Initial License Fee – Psychologist	\$400.00
Biennial Renewal Fee – Psychologist	\$430.00
Biennial Renewal Fee – Inactive Psychologist	\$60.00
Delinquency Fee – Active Psychologist	\$150.00
Delinquency Fee – Inactive Psychologist	\$20.00
Application Fee – Psychological Associate	\$40.00
Annual Renewal Fee – Psychological Associate	\$40.00
Delinquency Fee – Psychological Associate	\$20.00
Duplicate License Fee – Psychologist	\$5.00
License Verification Fee	\$5.00





Conducting the Fiscal Analysis





Scope and Methodology

- Calculate full cost of processing license applications and renewals;
- Determine a fair and equitable method of allocating non-fee expenses, such as enforcement, to the licenses and registrations issued;
- Develop revenue and fee projections for 5 - 10 years.

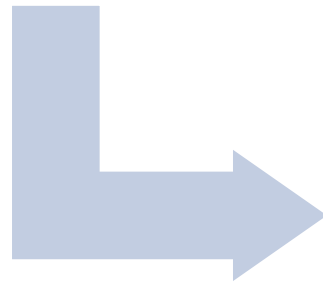




Process of Cost Analysis

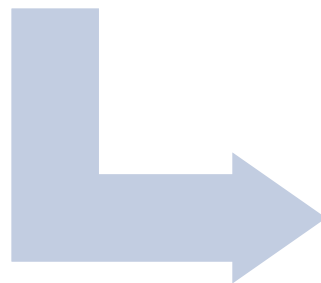
Full Cost

- Calculate Full Cost of Services



Core Business Processes

- Identify processes.
- Determine relationship between business processes and specific fees.
- Allocate costs to individual fees



Pricing

- Determine pricing model.
- Project revenues based on pricing model.



Step 1: Collect Data

- Identifying staff positions providing direct licensing services.
- Calculating the number of productive hours.
- Identifying and allocating non-personnel and overhead costs.
- Assigning any other expenses that are budgeted in other areas.
- Identifying core business processes or activities.





Step 2: Building Cost Structures

- Gathering time estimates for direct processes.
- Calculating hourly rates and the cost of service.
- Gathering activity or volume data.





Step 3: Allocating enforcement and other support activities

- This third step allocates enforcement activities to arrive at the full cost of service for each license, registration, or renewal.





Step 4: Set Cost Recovery Policy

- The level of cost recovery is a decision that should be made for each type or group of licenses and is dependent on Board policies. For example, the current license structure includes a partially subsidized psychological associate registration.





Step 5: Set Fees

- Fees should be based on any cost recovery policy and at a price that will fully recover the Board's cost and provide a sustainable future that includes rebuilding reserves.
- Board staff have worked diligently to create formulas that utilize accurate numbers and reflect actual costs





Direct vs. Indirect Allocated Costs

- **Direct costs:** are defined as the time required to process a specific application type.
 - This rate includes salaries, benefits, and a prorated amount for services and supplies.
- **Indirect Costs:** Include DCA and State pro rata, OE&E, Board management and administration, Board customer service, Regulatory policy and review, Enforcement support and administration, and Licensing support and administration.





Allocating the Cost of Enforcement

- Enforcement costs increase at a faster rate than general operating costs. There are two sources of enforcement costs:
- **External costs;** State Attorney General, the Office of Administrative Hearings, Evidence & Witness Fees, and Investigations Pro Rata; and
- **Direct costs;** Expense from staff who process complaints and initiate investigations.





Enforcement Costs

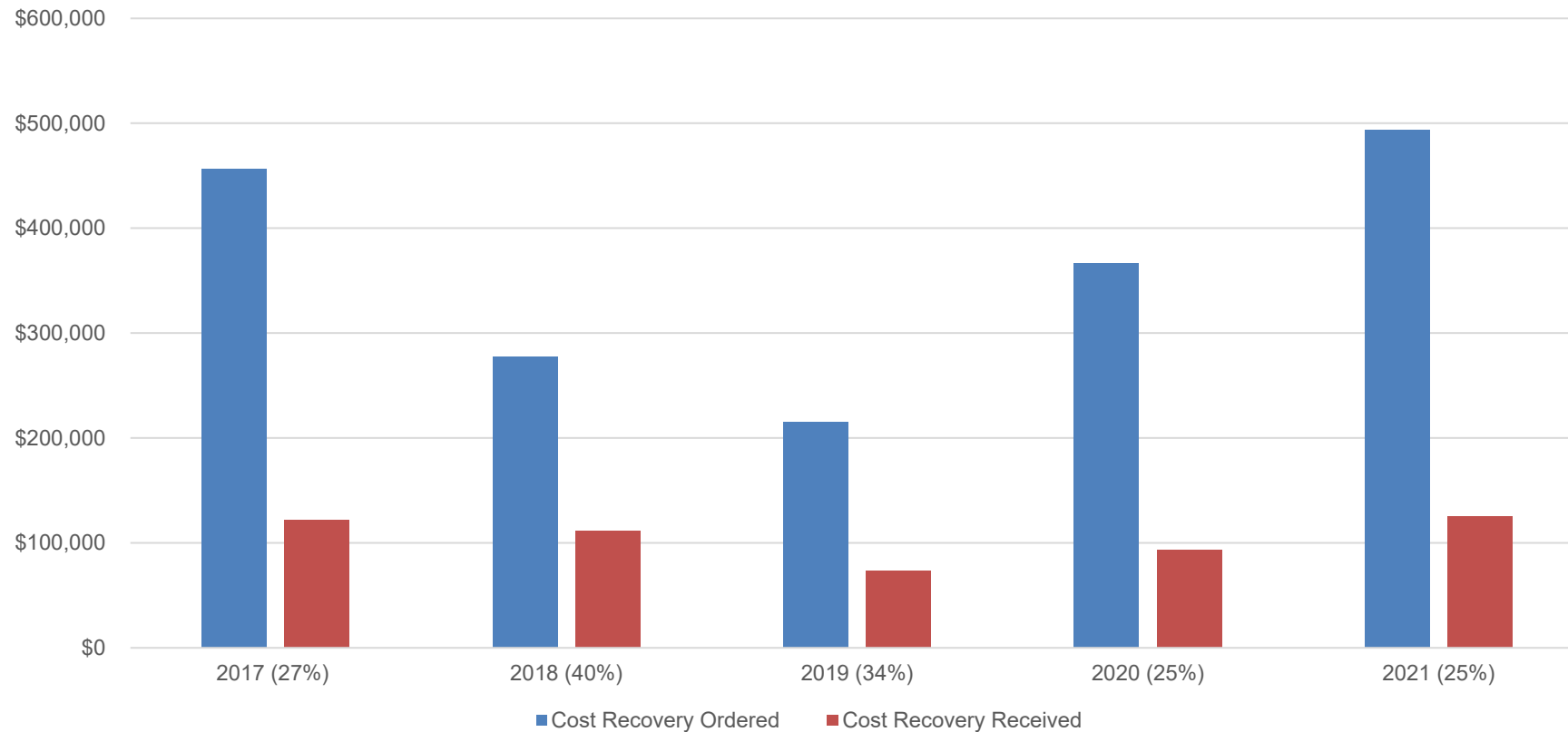
- Board staff propose that enforcement costs be included within the renewal fees, and this policy will be consistent with what other DCA boards and bureaus have done as well.
- Enforcement Revenue: Cost recovery and citation/ fines.
- The Board does not collect all the fines that it assesses during discipline.





Cost Recovery Ordered vs. Collected

Board of Psychology
Cost Recovery: Ordered vs. Received





Application Fees

Application	Appropriate Fee			Current Fee
	Yearly Cost Total	Applications Per Year	Cost Per transaction	
Application for Licensure as a Psychologist	\$296,629	1556	\$191	\$40
Application to Take CPLEE	\$96,976	1193	\$81	\$0
Hard Card Processing	\$64,710	468	\$138	\$0
Application for Initial Licensure	\$293,232	1577	\$186	\$400
Application for Registration as a Psychological Associate	\$281,581	744	\$378	\$40
Add or Change Supervisor for Psychological Associate	\$64,926	395	\$164	\$0



Renewal Fee Options

Option 1

With Inactive and PSB Paying 0% of Enforcement and 100% of Renewal Responsibility

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Option 3

With Inactive Paying 0% of Enforcmeent and PSB Paying 0% of Enforcement and 50% of Renewal Responsibility

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Option 4

With Inactive Paying 0% of Enforcmeent and PSB Paying 0% of Enforcement and 25% of Renewal Responsibility

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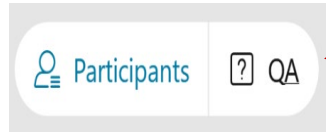
6. Public Comment on Proposed Fee Increase




Open for Public Comment

To make a public comment, please follow these steps:

1. Click **Q&A** icon at the bottom right corner of screen.

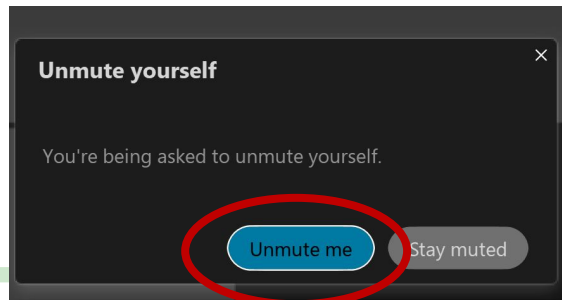


2. In Ask field type “**Comment**” and click Send.

Ask: 

Select a panelist in the Ask menu first and then type your question

3. When prompted, click the **Unmute me** button.



OR

1. Click the **Raise Hand** icon next to your name.



2. Call-in participants can **Raise Hand** by pressing *3.





7. ADJOURNMENT



**Meeting
is in Recess**

Will return at:

Meeting is Experiencing Technical Difficulties

Working on returning as
soon as possible

Assembly Committee on Business & Professions Fee Background Information Questionnaire

Bill No: _____ Author: _____ Date: _____

The following questions and information are required in determining whether the fee proposal is necessary. The completed form must be submitted to the Committee (electronically and two printed copies) for inclusion with the Committee analysis. Attach any additional information that you feel is required to support this request.

Request Type: ☐ Establish a New Fee ☐ Change an Existing Fee Rate

Fee Type: ☐ Annual ☐ One-time ☐ Other (Specify) _____

Fee Name:

Current Fee Rate & Fee Authority (include Code section references):

Proposed/New Fee Rate:

Proposed Effective Date:

Individuals/Entities to be Assessed the Fee:

1. Is there a projected deficit?

If yes:

a. What is the estimated amount of the deficit?

b. In what fiscal year will the deficit occur?

2. What is the cause of the deficit?

a. Is it an ongoing problem (e.g., annual increase in expenditures and stable revenues, or a decrease in revenues resulting from a decline in the number of licensees or units) or

b. Is it a one-time problem (e.g., a major lawsuit filed against the agency)?

3. Provide fund condition statements displaying five years of actual and five years of projected expenditures and revenues with (a) current statutory maximum fee amounts and (b) proposed statutory maximum fee amounts.

4. Provide a schedule of fee revenue by various fee "categories" displaying five years of actual and five years of projected revenue based on (a) current fees and (b) proposed fees. This schedule should display the workload (e.g., number of licensees) and fee charged per category.
5. Provide a schedule displaying two years of expenditures by program component, such as application review, examination, enforcement, administration, and other regulatory activities, for each fee category, such as professional engineers and land surveyors.
 - a. The issue is: Are specific fee categories subsidizing the expenditures of other categories (e.g., examination costs are subsidized by license renewals, embalmers are subsidizing the licensing and regulation of funeral directors)?
6. Provide a table of comparison of existing and proposed fees which includes the percentage by which the fee will change.
7. Provide the history for the past 10 years of legislative fee increase authorizations.
8. With respect to the additional revenue generated by the proposed fee increase, provide explanation regarding the following:
 - a. Addition of new function?
 - b. Expansion of existing function?
 - c. Reduction or elimination of an existing function?
 - d. Redirection of existing resources?
9. Summarize in narrative form the rationale and justification for the proposed changes. Include the reason why the current levels of service can or cannot be continued under the existing fee schedule.

Requestor/Contact Information:

MEMORANDUM

DATE	April 12, 2022
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 10 Licensing Report

License/Registration Data by Fiscal Year:

License & Registration	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22**
Psychologist*	22,688	***	20,575	20,227	20,024	20,580	21,116	22,005	22,218	22,289
Psychological Associate	1,727	***	1,701	1,580	1,446	1,446	1,361	1,344	1,348	1,450

*Includes licensees who are in Current and Inactive status

**As of April 12, 2022

***Statistics unavailable

As of April 12, 2022, there are 22,289 licensed psychologists and 1,450 registered psychological associates that are overseen by the Board. This includes 19,731 licensed psychologists who are in the “current” status and 2,558 licensed psychologists who are in the “inactive” status, which is provided in the Licensing Population Report (Attachment A). This report in Attachment A also provides a snapshot of the number of psychologists and psychological associates (formerly known as psychological assistants) in each status at the time it was generated.

Application Workload Reports:

The attached reports provide statistics from October 2021 through March 2022 on the application status by month for psychologist license and psychological associate registration (see Attachment B). On each report, the type of transaction is indicated on the x-axis of the graphs. The different types of transactions and the meaning of the transaction status are explained below for the Committee’s reference.

Psychologist Application Workload Report

“Exam Eligible for EPPP” (Examination for Professional Practice in Psychology) is the first step towards licensure. In this step, an applicant has applied to take the EPPP. An application with an “open” status means it is deficient or pending initial review.

“Exam Eligible for CPLEE” (California Psychology Law and Ethics Exam) is the second step towards licensure. In this step, the applicant has successfully passed the EPPP

and has applied to take the CPLEE. An application with an “open” status means it is deficient or pending review.

“CPLEE Retake Transaction” is a process for applicants who need to retake the CPLEE due to an unsuccessful attempt. This process is also created for licensees who are required to take the CPLEE due to probation. An application with an “open” status means it is deficient, pending review, or an applicant is waiting for approval to re-take the examination when the new form becomes available in the next quarter.

“Initial App for Psychology Licensure” is the last step of licensure. This transaction captures the number of licenses that are issued if the status is “approved” or pending additional information when it has an “open” status.

Psychological Associate Application Workload Report

Psychological Associate registration application is a single-step process. The “Initial Application” transaction provides information regarding the number of registrations issued as indicated by an “approved” status, and any pending application that is deficient or pending initial review is indicated by an “open” status.

Since all psychological associates hold a single registration number, an additional mechanism, the “Change of Supervisor” transaction, is created to facilitate the process for psychological associates who wish to practice with more than one primary supervisor or to change primary supervisor. A transaction is opened and processed when all information is received, thus there is no open status for this transaction type.

Examination Statistics

The examination statistics (see Attachment D) provide a 12-month period data of the total candidates and first timers who have taken the EPPP or CPLEE and the passing rate. These examination statistics are posted on the Board’s website and available to the public.

Department of Health Care Access and Information (HCAI) Survey

As a follow-up to the conversations in the past for legislation requesting additional data in the health professions survey, Assembly Bill (AB) 133 (Stats. 2021, Ch. 143) was chaptered into the law. [Business and Professions Code section 502](#) requires boards that regulate healing arts licensees and registrants to request workforce data from them for future workforce planning on all of the following:

- (1) Anticipated year of retirement.
- (2) Area of practice or specialty.
- (3) City, county, and ZIP Code of practice.
- (4) Date of birth.
- (5) Educational background and the highest level attained at time of licensure or registration.
- (6) Gender or gender identity.

- (7) Hours spent in direct patient care, including telehealth hours as a subcategory, training, research, and administration.
- (8) Languages spoken.
- (9) National Provider Identifier.
- (10) Race or ethnicity.
- (11) Type of employer or classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.
- (12) Work hours.
- (13) Sexual orientation.
- (14) Disability status.

The new survey questions will be implemented in BreEZe by adding them to renewals on July 13, 2022 as scheduled. For your information, HCAI was formerly the Office of Statewide Health Planning and Development (OSHDP).

Applications and Notifications Received

Attachment C provides the number of new applications and notifications received in the last 12-month period. The total number of applications and notifications received shows an increase of 104 compared to the same 12-month period in 2020/2021.

Average Application Processing Timeframes

Attachment E (Average Application Processing Timeframes) provides a 6-month overview of average application processing timeframes in business days. There has been an increase in the average processing timeframes for both psychologist and psychological associate applications.

Staff are aware of the increase in processing timeframes. The vacancy in the unit since February 2022 has contributed to the lengthened timeframes. This vacancy has now been filled with new staff scheduled to start on April 25, 2022. With the arrival of the new analyst the Licensing unit will be fully staffed.

Additionally, staff are taking the following measures to proactively address the timeframes with the current resources available:

Long-term permanent solutions:

- Streamline the application process via Pathways to Licensure regulations.
- Achieve solvency and obtain additional funding for the Board through regulatory and legislative fee change proposals. Once the structural imbalance has been addressed with a fee change the Board will seek additional resources via a Budget Change Proposal (BCP).
- Redirect an Office Technician position to the Licensing unit to assist with administrative support of the unit.

Short-term temporary solutions:

- Retired Annuitant to work full time in April assisting with the processing of applications.
- Look for additional cost-savings to potentially extend temporary help by the Retired Annuitant.
- Special Projects Coordinator to be trained alongside incoming SSA to work as a 50% Licensing Analyst.

Attachments:

- A. Licensing Population Report as of April 12, 2022
- B. Application Workload Reports October 2021 – March 2022 as of March 31, 2022
- C. Applications and Notifications Received April 2021 – March 2022 as of April 12, 2022
- D. Examination Statistics March 2021 – February 2022 as of April 12, 2022.
- E. Average Application Processing Timeframes - October 2021 to March 2022 as of April 12, 2022.

Action:

This is for informational purpose only. No action is required.



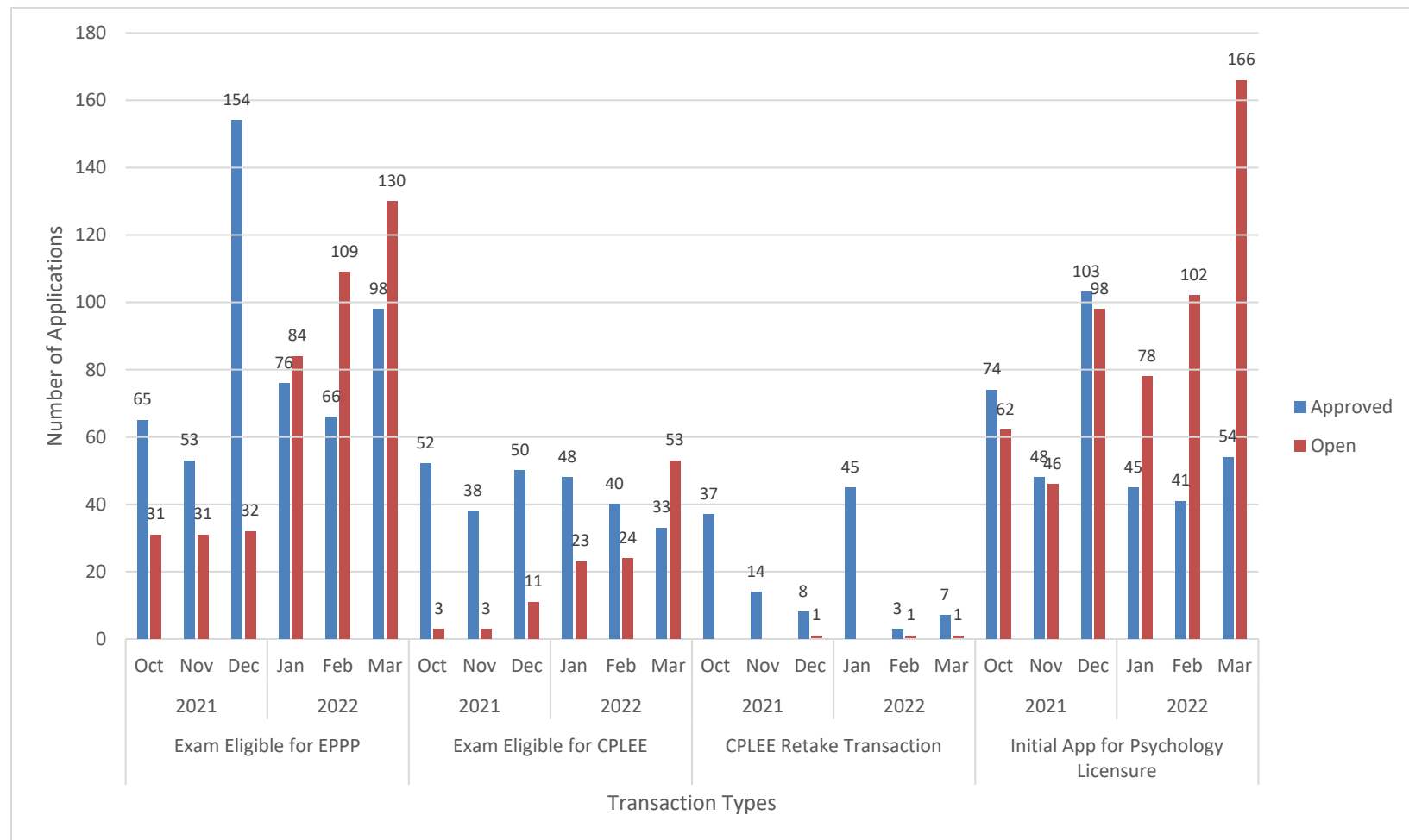
STATE DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM



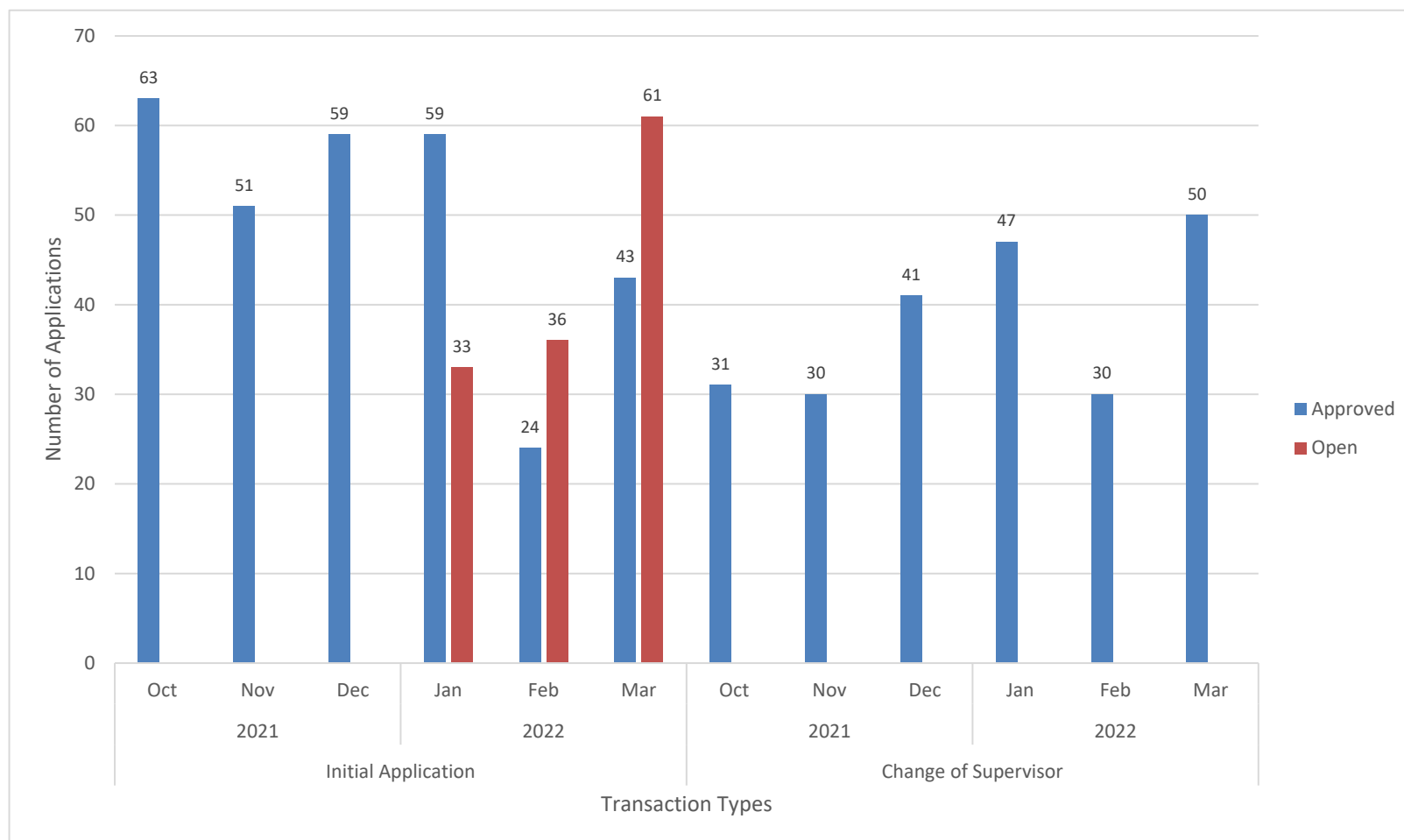
LICENSING POPULATION REPORT
BOARD OF PSYCHOLOGY
AS OF 4/12/2022

License Type	License Status								Total
	Licensing					Enforcement			
	Current	Inactive	Delinquent	Cancelled	Deceased	Surrendered	Revoked	Revoked, Stayed, Probation	
Psychologist	19,731	2,558	1,686	7,084	1,041	251	161	108	32,620
Psychological Associate	1,450	0	60	22,917	8	13	8	19	24,475
Total	21,181	2,558	1,746	30,001	1,049	264	169	127	57,095

Psychologist Application Workload Report
October 1, 2021 to March 31, 2022
As of March 31, 2022

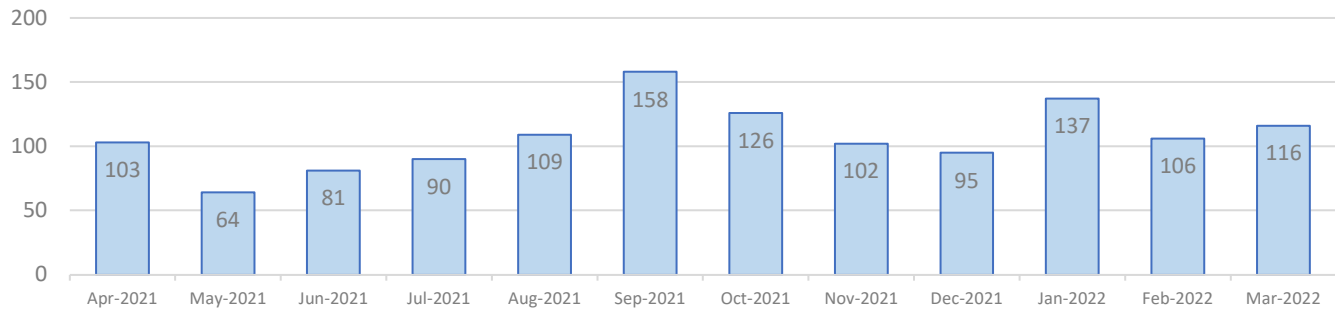


Psychological Associate Application Workload Report
October 1, 2021 to March 31, 2022
As of March 31, 2022

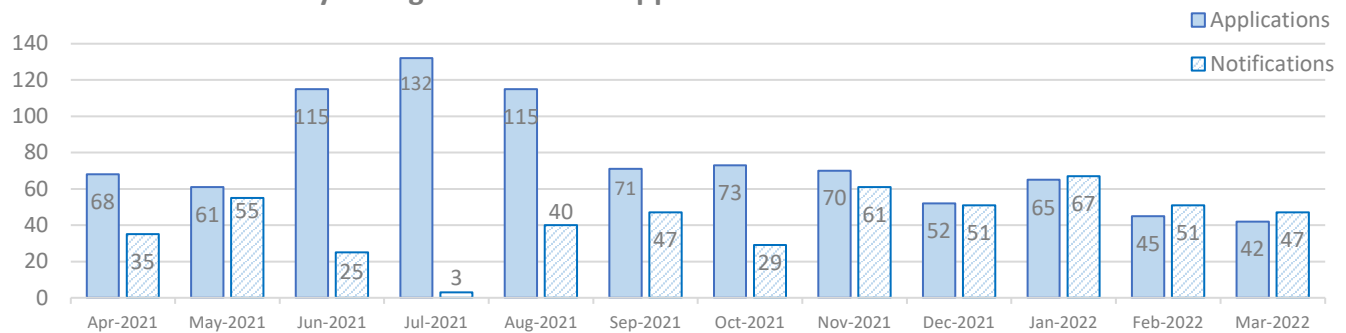


**Applications and Notifications Received from April 2021 to March 2022
As of April 12, 2022**

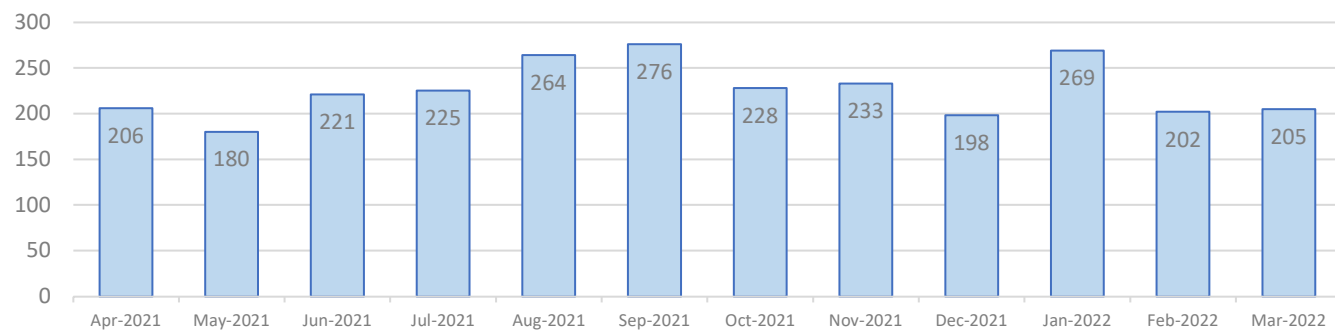
Total of 1287 Psychologist Applications Received



Total of 909 Psychological Associate Applications and 511 Notifications Received



Total of 2707 Applications and Notifications Received



**Examination Statistics March 2021 – February 2022
As of April 12, 2022**

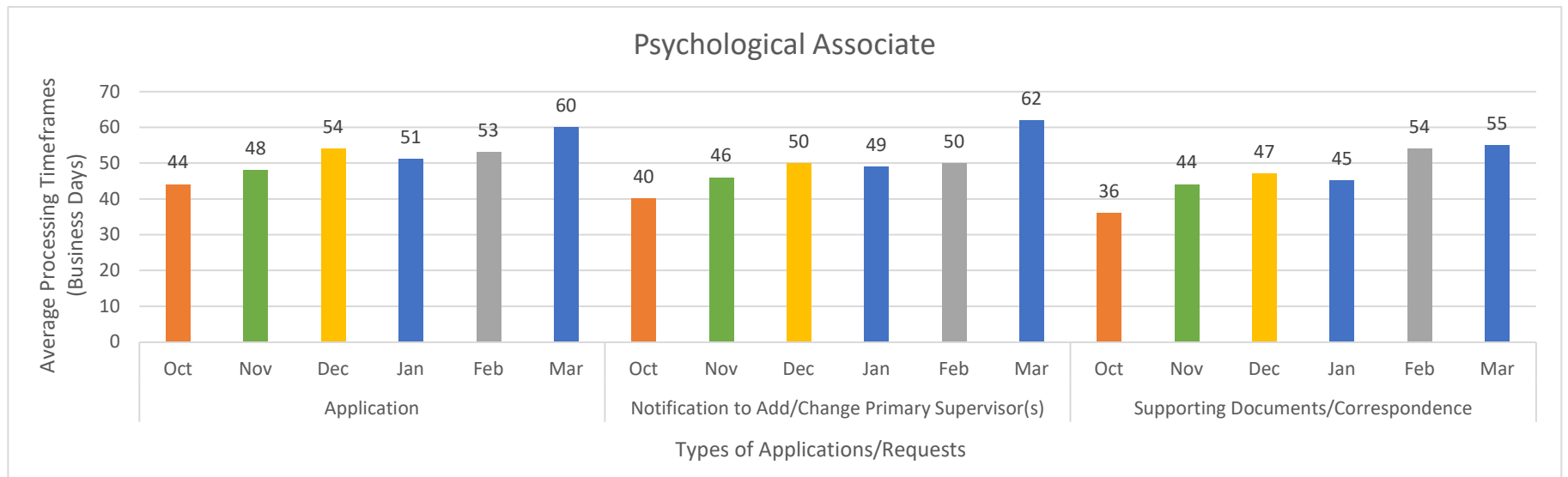
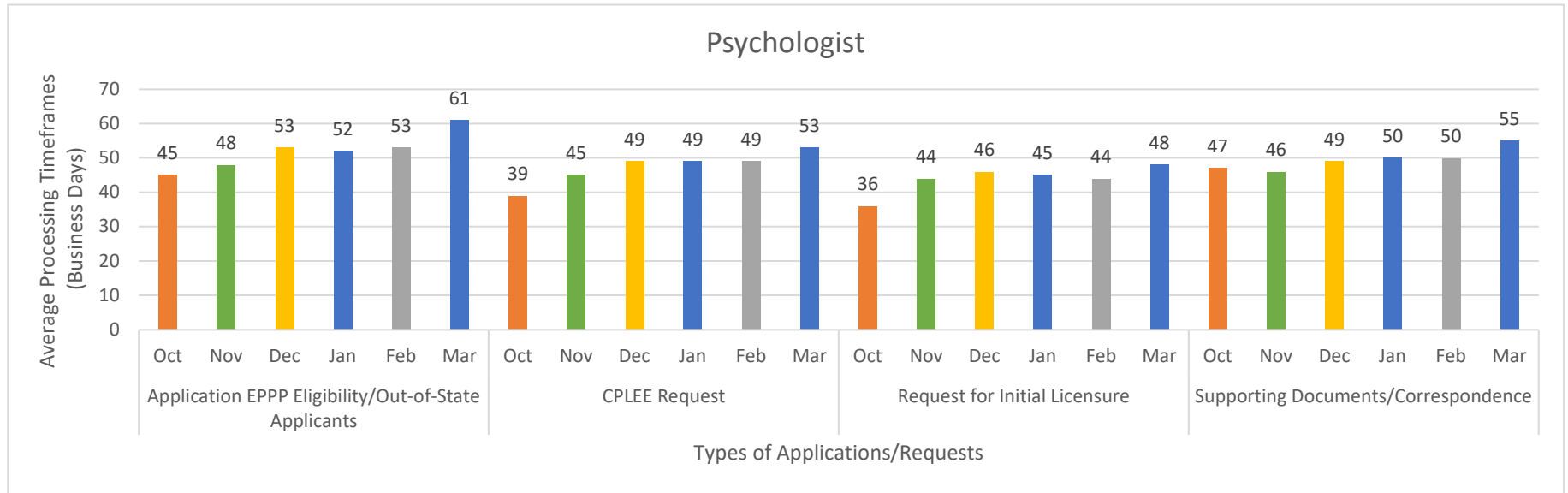
2021/2022 Monthly EPPP Examination Statistics

Month	# of Candidates	# Passed	% Passed	Total First Timers	First Time Passed	% First Time Passed
March 2021	78	36	46.15	37	26	70.27
April 2021	152	72	47.37	86	53	61.63
May 2021	131	59	45.04	63	44	69.84
June 2021	170	75	44.12	83	58	69.88
July 2021	163	69	42.33	78	44	56.41
August 2021	128	49	38.28	60	40	66.7
September 2021	117	46	39.32	60	35	58.33
October 2021	100	30	30.00	47	21	44.68
November 2021	127	42	33.07	49	24	48.98
December 2021	117	40	34.19	41	25	60.98
January 2022	99	34	34.34	48	27	56.25
February 2022	128	51	39.84	54	38	70.37
Total	1510	603	39.93	706	435	61.61

2021/2022 Monthly CPLEE Examination Statistics

Month	# of Candidates	# Passed	% Passed	Total First Timers	First Time Passed	% First Time Passed
March 2021	109	83	76.15	85	66	77.65
April 2021	87	68	78.16	64	51	79.69
May 2021	79	60	75.95	47	37	78.72
June 2021	105	88	83.81	81	71	87.65
July 2021	82	58	70.73	60	43	71.67
August 2021	128	107	83.59	77	66	85.71
September 2021	165	133	80.61	99	79	79.80
October 2021	76	59	77.63	57	42	73.68
November 2021	64	50	78.13	50	43	86.00
December 2021	95	75	78.95	74	58	78.38
January 2022	55	46	83.64	43	37	86.05
February 2022	62	45	72.58	39	29	74.36
Total	1107	872	78.77	776	622	80.15

**Average Application Processing Timeframes from October 2021 to March 2022
As of April 12, 2022**



MEMORANDUM

DATE	April 7, 2022
TO	Board of Psychology
FROM	Liezel McCockran Continuing Education and Renewals Coordinator
SUBJECT	Agenda Item #11 – Continuing Education (CE) and Renewals Report

The current pass rate for April 2021 through February 2022 CE audits is 78 percent with 7 percent of audits not yet received and a failure rate of 3 percent. The pass rate from 2016-2020 has been consistently over 80 percent. The pass rate for 2nd audits has risen from 68 percent in 2016 to 91 percent in 2021.

For renewals, between January 2022 through April 2022, 81 percent of Psychologists renewed as Active. Approximately 90 percent of Psychologists and Psychological Associates renewed their license online using BreEZe.

Continuing Professional Development (CPD) Implementation Plan

The following implementation plan shows the Board's plan of action to notify licensees and stakeholders to the new requirements **if** the CPD regulation changes are approved by the Office of Administrative Law.

Upon notification of approval by OAL, staff will make the following changes to the Board's website:

1. The Order of Adoption and stamped form 400, along with our CPD Advisory which will include a link to the optional CPD reporting form, will be added to the regulatory page of our website here:
https://www.psychology.ca.gov/laws_regs/regulations.shtml
2. Once those items are added to the website, staff will email the links to the Advisory, Order of Adoption to the Board's licensees and stakeholders as well as posted on social media.
3. Staff will update the Board's CE page here:
<https://www.psychology.ca.gov/licensees/ce.shtml> to be in line with the new CPD requirements.
4. A Frequently Asked Questions (FAQ) will be created after the CPD regulations go into effect. The FAQ will be used to further clarify these requirements, using questions from licensees and information gathered from CPD audits. Once this document is created, it will be added to the Board's regulatory page and the CE

page referenced above. Notification will be sent to the Board's licensees and stakeholders.

Important information to note. If the regulation is signed by OAL, licensees that expire between January 1, 2023, and December 31, 2023, can renew by completing either the traditional Continuing Education, or CPD.

Action Requested:

These items are for information purposes only. No action requested

Attachments:

Attachment A: CE Audits for 2021

Attachment B: Pass and Fail Rate for CE Audits April 2021 – February 2022

Attachment C: Pass and Fail Rate for 1st Audits 2016-2021

Attachment D: Pass and Fail Rates for 2nd Audits

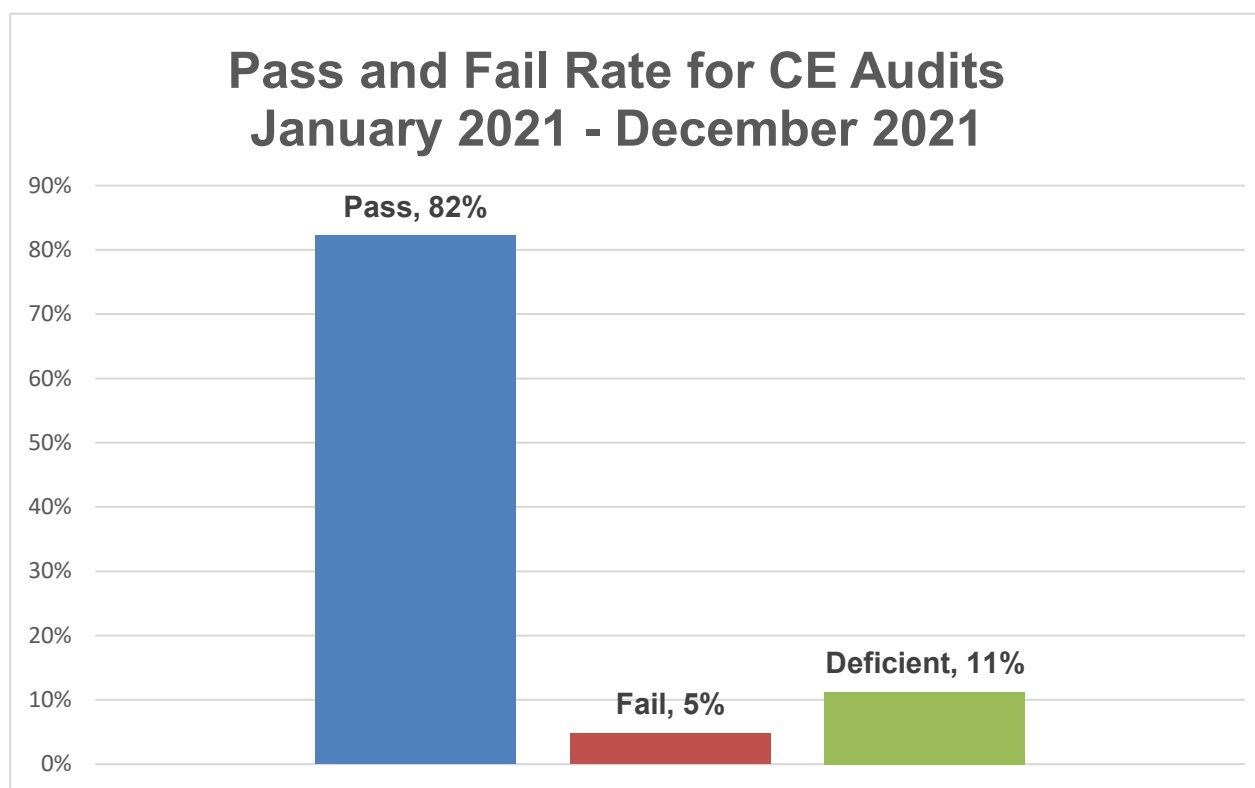
Attachment E: Online vs. Mailed in Renewals Processed

Attachment F: Psychologist and Psychological Associate Renewal Applications Processed:
January 2022 – April 2022

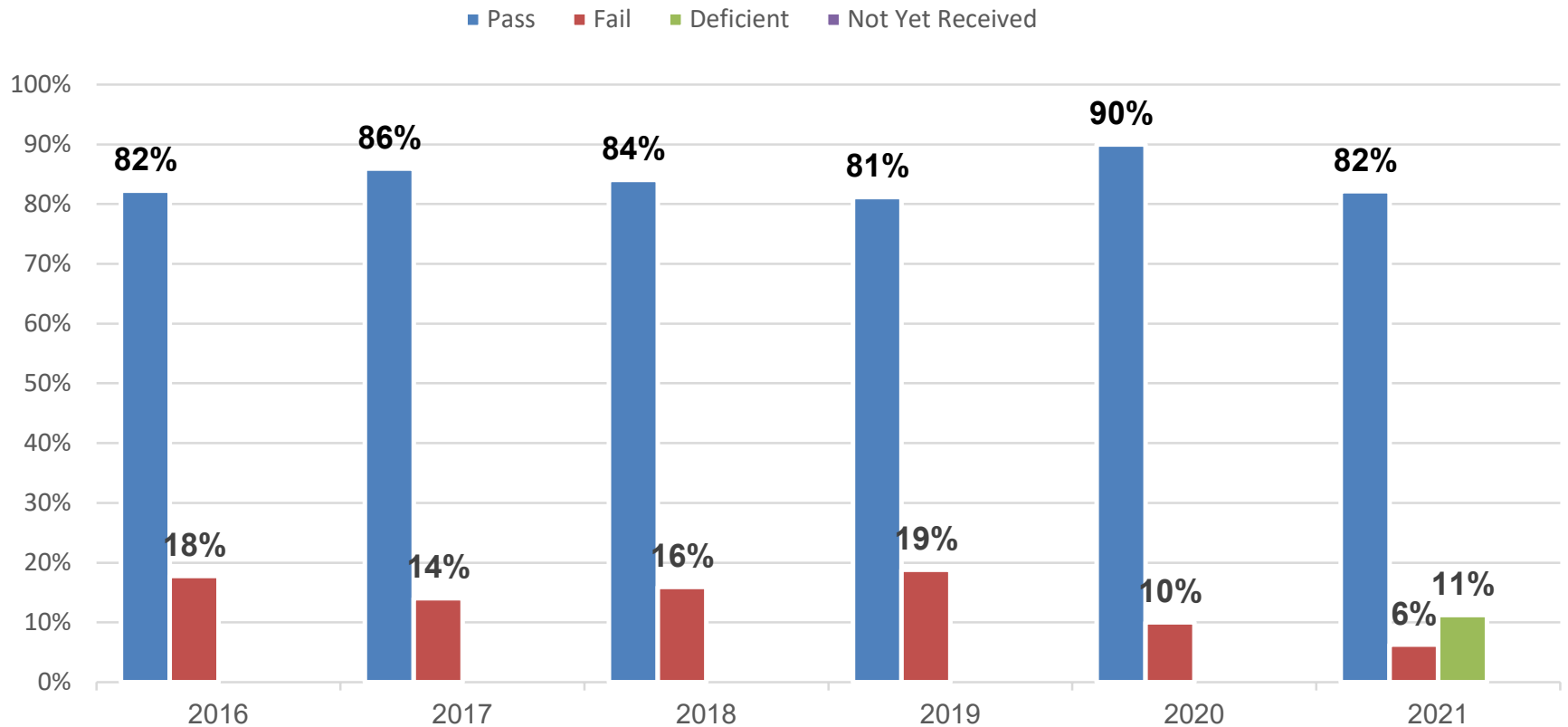
Continuing Education Audits

Month	Total # of Licensees Selected for Audit:	% Passed:	% Deficient	% Not Yet Received:	% Failed:
April	25	84%	0%	0%	16%
May	30	1%	0%	0%	3%
June	24	92%	0%	0%	8%
July	25	96%	0%	0%	4%
August	30	90%	10%	0%	3%
September	28	71%	7%	0%	11%
October	27	85%	15%	0%	4%
November	27	63%	22%	0%	15%
December	21	81%	10%	0%	10%
January 2022	24	50%	0%	50%	0%
Febraury 2022	19	32%	16%	42%	0%
Totals:	280	78%	7%	7%	3%

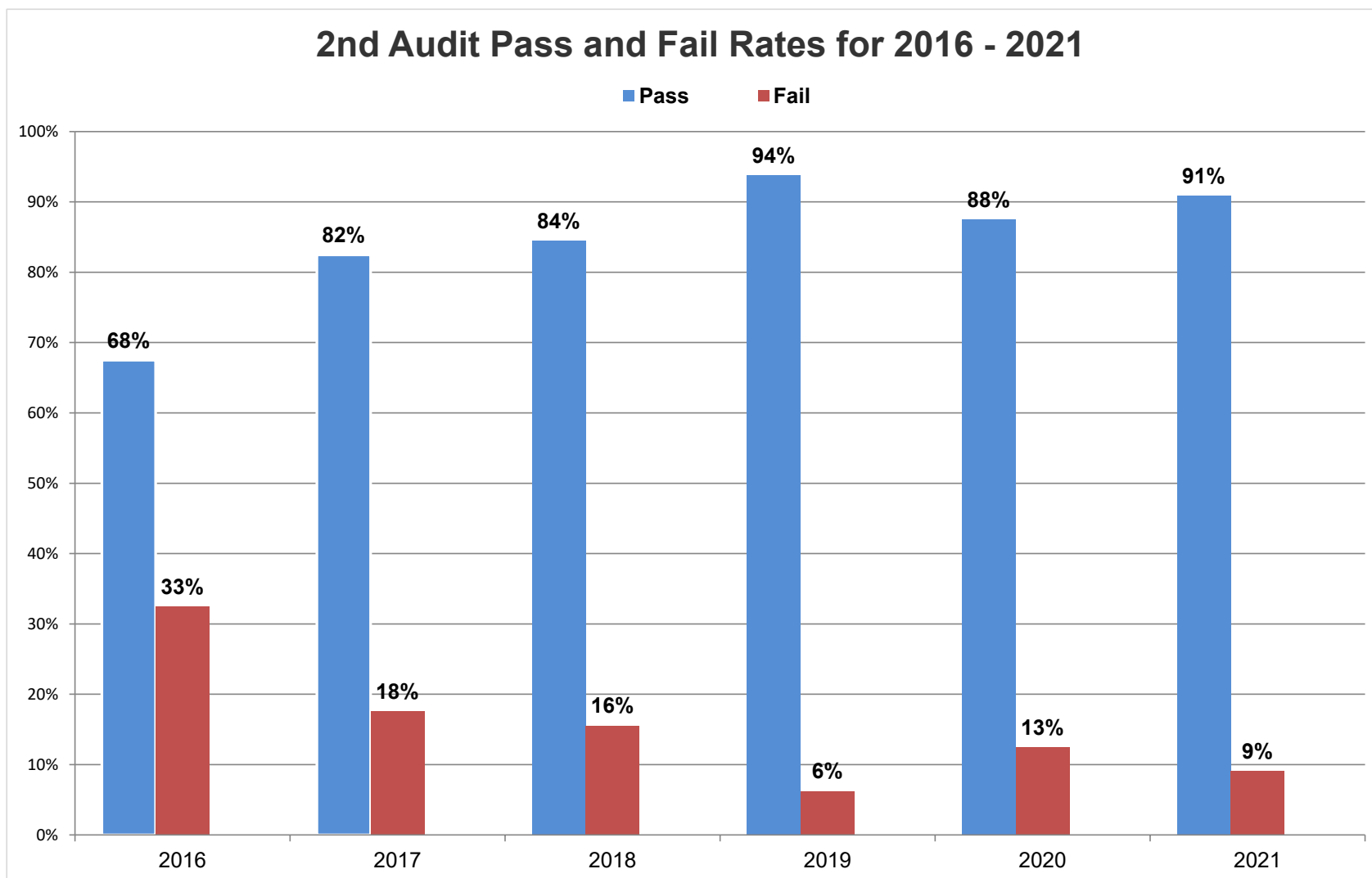
Of the total of 280 audits sent out, the current pass rate is 78% with 7% of audits fdeficient and 3% failure rate.



Audit Pass and Fail Rates 2016 - 2021

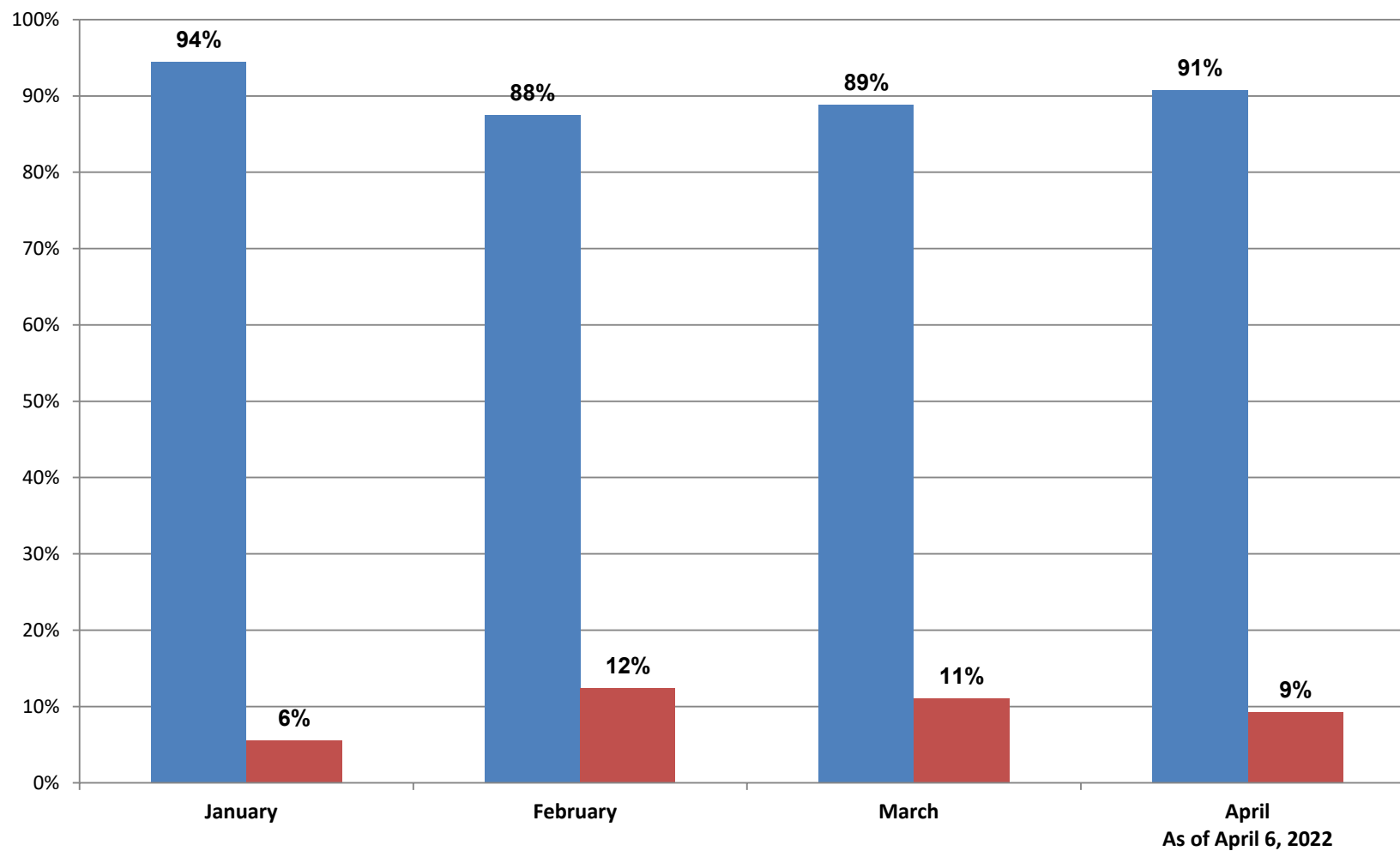


CE waivers were provided for licensees who renewed between March 31, 2020 through October 31, 2021. Licensees were given more time to complete the CE requirements; January 26, 2022 and March 28, 2022 respectively.



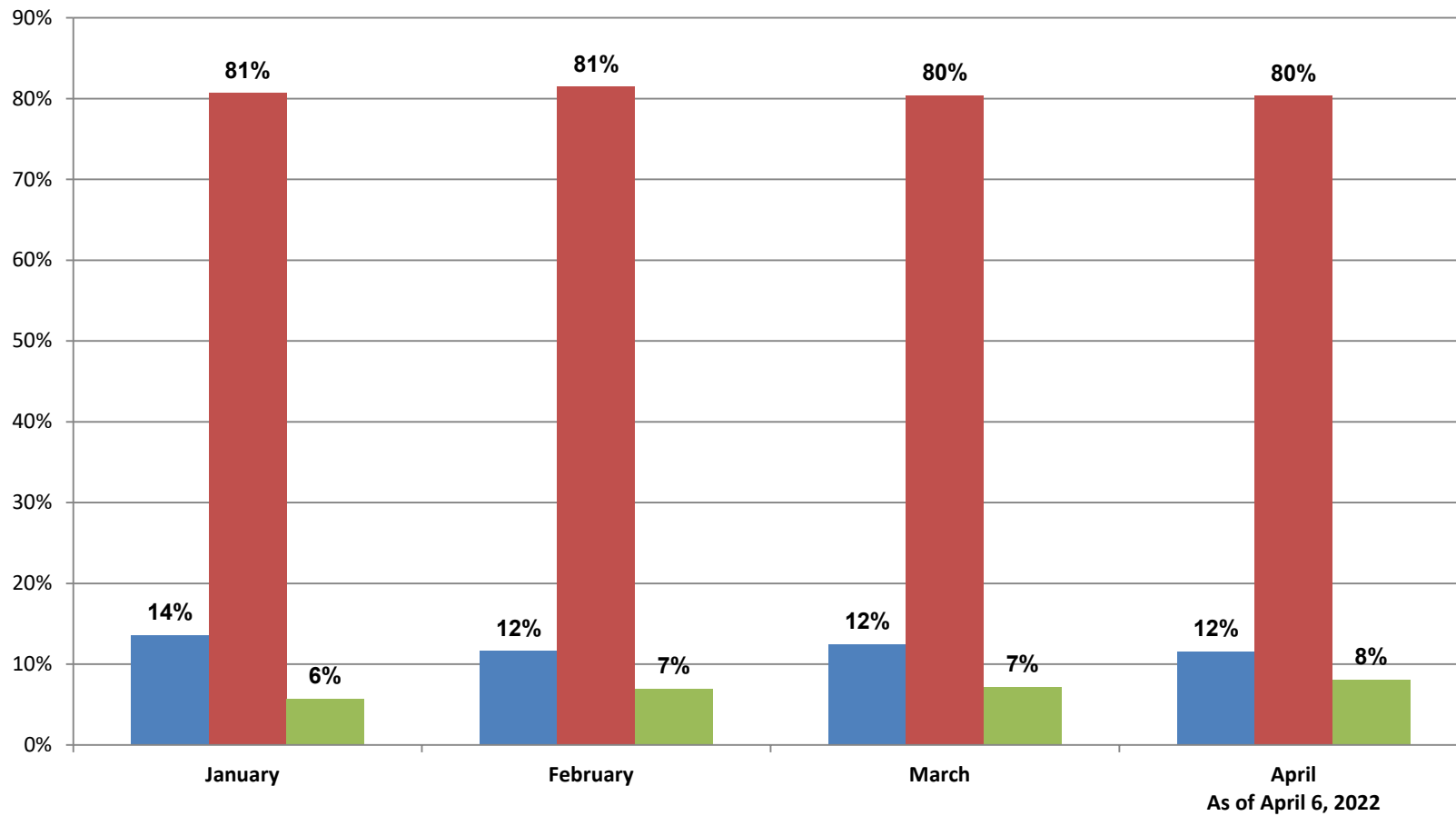
Online vs. Mailed In Renewals January 2022 - April 2022

■ Online ■ Mailed In



Renewal Applications Processed January 2022 - April 2022

■ Inactive ■ Active ■ Psych Associates



Every month, on average, 81% of Psychologists renew as Active, and 11% of Psychologists renew as Inactive. Additionally, an average of 8% of renewal applications submitted every month are from Psychological Associates.

MEMORANDUM

DATE	April 29, 2022
TO	Board of Psychology
FROM	Lavinia Snyder Examination Coordinator
SUBJECT	Agenda item #13 - Association of State and Provincial Psychology Boards (ASPPB) EPPP2 Update

Background:

On November 19, 2022, Dr. Sheryll Casuga, Chair for the EPPP ADHOC Committee, provided a summary report to the full Board regarding the outcome of the Committee meeting which was held on October 22, 2021. The summary addressed the following:

- Establish Committee Goal
- Historical Overview of the EPPP (Part 2-Skills)
- Timeline of Examination
- Correspondence between the Board of Psychology and the Association of State and Provincial Psychology Boards (ASPPB)
- Identify Outstanding Issues
- ASPPB Report on the EPPP (Part 2-Skills)
- Participating States
- Data from Initial Administrations
- General Input Regarding the EPPP (Part 2-Skills)
- DCA's Office of Professional Examination Services (OPES) Status Report of the EPPP Audit

The following outstanding issues previously identified, were provided:

- The lack of a proven necessity for an additional examination.
- Considerable concerns related to the examinations to assess skills as designed and thus, potentially providing negligible consumer protection.
- The additional cost burden on prospective licensees, especially historically underrepresented and socioeconomically disadvantaged students.
- The additional examinations creation of new barriers to licensure and potentially detrimental impact on access to psychological services to California consumers.
- Clarification on whether the optional enhanced EPPP, or the EPPP Part 2 as it is now called, is an indefinite alternative or if ASPPB is simply postponing the deadline for mandatory adoption, I.E: If the implementation date is merely being delayed, the Board would appreciate clarification on the anticipated date for

mandatory implementation.

The Board requested clarification from ASPPB regarding their position on the mandatory implementation of the EPPP (Part 2 Skills).

The ASPPB Board of Directors met in early February 2022 to discuss that issue.

On February 22, 2022, Dr. Casuga, formally requested a written update from ASPPB's Board of Directors regarding the outcome of the meeting. The attached letter from Mariann Burnetti-Atwell, PsyD, ASPPB Chief Executive Officer is provided to address the request.

Attachments:

Attachment A: Letter of Inquiry from Dr. Casuga

Attachment B: Response from ASPPB.



1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
T (916) 574-7720 F (916) 574-8672 Toll-Free (866) 503-3221
www.psychology.ca.gov

February 22, 2022

Mariann Burnetti-Atwell, PsyD
Chief Executive Officer
Association of State and Provincial Psychology Boards
P.O. Box 849
Tyrone, GA 30290

Dear Dr. Burnetti-Atwell:

ASPPB recently convened a Board of Directors Meeting in which the mandatory requirement of the EPPP2 was discussed. The Board of Psychology formally requests a written update on the status of this requirement to be presented at the next scheduled Board meeting on April 29, 2022.

For inclusion on the agenda, please provide the letter no later by April 1st. If you have any questions, please do not hesitate to contact the Board's Executive Officer, Ms. Antonette Sorrick via email at Antonette.Sorrick@dca.ca.gov.

Sincerely,

A handwritten signature in black ink that reads 'Sheryll M. Casuga, PsyD'. The signature is written in a cursive, flowing style.

Sheryll Casuga, Psy,D
Board Member
Board of Psychology



ASPPB

Association of State and
Provincial Psychology Boards

President

Alan B. Slusky, PhD, CPsych

Chief Executive Officer

Mariann Burnetti-Atwell, PsyD

Past President

Tomás R. Granados, PsyD

President-Elect

Herbert L. Stewart, PhD

Secretary-Treasurer

Cindy Olvey, PsyD

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Associate Executive Officer
Member Services

Janet P. Orwig, MBA, CAE

Senior Director of Examinations
Services

Matt Turner, PhD

Director of Educational Affairs

Jacqueline B. Horn, PhD

Director of Professional Affairs

Alex Siegel, JD, PhD

Business Director

Lisa M. Fagan, MBA

March 28, 2022

Sheryll Casuga, PsyD

California Board of Psychology

Board Member and EPPP Part 2-Skills, Committee Chairperson

1625 North Market Blvd., Suite N-215

Sacramento, CA 95834

Dear Dr. Casuga,

Thank you for your letter dated February 23, 2022. In that correspondence you requested a written update on recent discussions of the ASPPB Board of Directors (BOD) related to the future utilization of the Examination of Professional Practice in Psychology, Part 2 – Skills (EPPP Part 2 – Skills). I am pleased to offer you an update on this matter.

I am happy to share that the BOD remains firmly committed to the ongoing development, refinement, and utilization of a competency-based examination for those pursuing licensure in psychology. Due to the complexity of this topic, and its interface with the broad self-study ASPPB has undertaken, the BOD will be dedicating significant time in 2022 to thoughtfully plan for the future implementation of the EPPP Part 2-Skills. This process will continue to involve the feedback we receive about the exam from our member boards, and other individuals who may be external to the regulatory community. We appreciate the California Board's interest in the examination development and implementation process.

I hope to have more information to share with you and your Board in the near future.

Thank you and please take care.

Respectfully,

Mariann Burnetti-Atwell, PsyD

Chief Executive Officer

Association of State and Provincial Psychology Boards

CC: Antonette Sorrick
Executive Officer
California Board of Psychology

Lavinia Snyder
Examination Coordinator
California Board of Psychology

Alan Slusky, Ph.D., C. Psych
President
Association of State and Provincial Psychology Boards

Matt Turner, PhD
Senior Director of Examination Services
Association of State and Provincial Psychology Boards

MEMORANDUM

DATE	April 4, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14 (a)(1) – SB 401 (Pan) Psychology: unprofessional conduct: disciplinary action: sexual acts

Background:

In early 2019, Senator Pan carried SB 275 to amend Sections 2960 and 2960.1. Given the COVID-19 pandemic and the request from leadership to minimize the bill load, SB 275 was amended and became a bill about Personal Protective Equipment.

Consequently, in December 2020, Board staff contacted Senator Pan's office to ask whether he would consider carrying legislation pertaining to this issue. In February of this year, Senator Pan agreed to carry the bill, and introduced SB 401 - Psychology: unprofessional conduct: disciplinary action: sexual acts.

Under current law, when an investigation finds that a psychologist had sexual contact with a client (patient or client) or former client within two years of termination of therapy, the proposed decision (discipline) that the Administrative Law Judge (ALJ) recommends to the Board of Psychology (Board) for adoption must include a recommendation for an order of revocation. The Board maintains ultimate adjudicatory discretion over the adoption of the final discipline against a licensee, but current law ensures that in instances sexual contact (including sexual intercourse), revocation must be the discipline recommended by an ALJ.

Note: Current law defines sexual contact as meaning "the touching of an intimate part of another person." (Business and Professions Code section 728.) Additionally, current law defines an intimate part as "the sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

The Board proposes adding "sexual behavior" to Section 2960 of the Business and Professions Code (BPC) due to the Board's experiences adjudicating cases involving inappropriate sexual conduct that did not meet the current definition of "sexual contact," which left the Board hamstrung in achieving appropriate discipline for sexual behavior antithetical to the psychotherapist-client relationship. It made it exceedingly difficult to achieve disciplinary terms that matched the egregiousness of the acts.

The Board believes that sexual behavior in the psychotherapist-client relationship by the licensed professional is one of the most flagrant ethical violations possible, as it violates

the duty of care inherent in a therapeutic relationship, abuses the trust of the client, and can create harmful, long-lasting emotional and psychological effects.

The Board wants to ensure that egregious sexual behavior with a client, sexual misconduct, and sexual abuse is unprofessional conduct that merits the highest level of discipline. Therefore, this proposal would add sexual behavior (inappropriate actions and communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse) with a client or former client to the list of what is considered unprofessional conduct that would give the ALJ the statutory authority in a proposed decision, to include an order of revocation. The proposal also adds clear definitions to the following sexual acts: sexual abuse, sexual behavior, sexual contact, and sexual misconduct. Note: this would not change or diminish the Board's adjudicatory discretion as to the final discipline.

Under this proposal, sexual behavior would be defined as "inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. 'Sexual behavior' does not include the provision of appropriate therapeutic interventions relating to sexual issues."

Examples of sexual behaviors include, but are not limited to:

- kissing a client,
- touching or exposing oneself inappropriately,
- sending sexually suggestive or sexually explicit texts (sexting), messages or emails to a client, and
- sending clients photos that include nudity, genitals, or sexually suggestive poses

On 3/19/2021 the Legislative and Regulatory Affairs Committee voted to recommend the Board **Support** SB 401. The Board voted to approve the Legislative and Regulatory Affairs Committee's recommendation to support SB 401 on 4/2/2021.

On 3/22/2021, SB 401 passed out of the Senate Business, Professions, and Economic Development Committee with a vote of 14-0.

On 4/22/2021, SB 401 passed on the Senate Floor on the Consent Calendar (Ayes: 38; Noes: 0) and was ordered to the Assembly.

On 5/25/2021, Board staff was notified that given the bill reduction directive, SB 401 would be a 2-year bill.

Staff was made aware that SB 401 is expected to be heard in the Assembly Business and Professions Committee in April 2022.

Location: Assembly Rules

Status: 6/17/2021 In the Assembly. Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: Board Letter of Support

Attachment B: Senate Floor Analysis

Attachment C: SB 401 (Pan) Bill text

April 12, 2021

The Honorable Anthony Portantino
Chair, Senate Committee on Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

RE: **SB 401 (Pan) – Psychologist: unprofessional conduct: disciplinary action: sexual acts – SPONSOR**

Dear Senator Portantino:

The Board of Psychology (Board) is pleased to **SPONSOR** SB 401 (Pan). This bill would add sexual behavior (inappropriate actions and communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse) with a client or former client to the list of what is considered unprofessional conduct that would give the Administrative Law Judge (ALJ) the statutory authority in a proposed decision, to include an order of revocation. The proposal also adds clear definitions to the following sexual acts: sexual abuse, sexual behavior, sexual contact, and sexual misconduct. This amendment would not change or diminish the Board's adjudicatory discretion as to the final discipline.

The Board estimates that minor and absorbable costs might be incurred due to SB 401. The bill would change the terms of the proposed decision by an ALJ but would not change the Board's investigation of the allegations nor the adjudicatory process once an accusation is filed against a licensee. Additionally, the Board has no basis upon which to estimate whether a licensee would be more or less likely to appeal the decision or surrender their license in lieu of revocation.

Pursuant to Business and Professions Code (BPC) Section 2960.1, when an investigation finds that a psychologist had sexual contact with a client (patient or client) or former client within two years of termination of therapy, the proposed decision (discipline) that the ALJ recommends to the Board of Psychology (Board) for adoption must include a recommendation for an order of revocation. The Board maintains ultimate adjudicatory discretion over the adoption of the final discipline against a licensee, but current law ensures that in instances sexual contact (including sexual intercourse), revocation must be the discipline recommended by an ALJ. Current law defines sexual contact as meaning "the touching of an intimate part of another person." (Business and Professions Code section 728.) Additionally, current law defines an intimate part as "the sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

The Board believes that sexual behavior in the psychotherapist-client relationship by the licensed professional is one of the most flagrant ethical violations possible, as it violates the duty of care inherent in a therapeutic relationship, abuses the trust of the client, and can create harmful, long-lasting emotional and psychological effects.

The Board wants to ensure that egregious sexual behavior with a client, sexual misconduct, and sexual abuse is unprofessional conduct that merits the highest level of discipline. Therefore, this proposal would add sexual behavior (inappropriate actions and communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse) with a client or former client to the list of what is considered unprofessional conduct that would give the ALJ the statutory authority in a proposed decision, to include an order of revocation. The proposal also adds clear definitions to the following sexual acts: sexual abuse, sexual behavior, sexual contact, and sexual misconduct.

The Board sponsored SB 401 due to the Board's experiences adjudicating cases involving inappropriate sexual conduct that did not meet the current definition of sexual contact and therefore did not require the ALJ to recommend revoking the license. Under this proposal, sexual behavior would be defined as "inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues."

Examples of sexual behaviors include, but are not limited to:

- kissing a client,
- touching or exposing oneself inappropriately,
- sending sexually suggestive or sexually explicit texts (sexting), messages or emails to a client, and
- sending clients photos that include nudity, genitals, or sexually suggestive poses

The Board is cognizant that during psychotherapy, and especially during therapeutic interventions related to sexual issues, there will be in-depth discussions and communications of a sexual nature with the client. When these discussions are a part of appropriate and documented therapeutic interventions, these communications would not be considered sexual behavior under SB 401.

The Board believes that inappropriate sexual behavior with a client is sexual misconduct and should be prosecuted and adjudicated as such. SB 401 (Pan) would close a loophole in current law and treat sexual behavior between a psychologist and client as the sexual misconduct it is.

For these reasons, the Board asks for your support of SB 401 (Pan) when it is heard in the Senate Committee on Appropriations. If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (925) 325-0157. Thank you.

Sincerely,



Seyron Foo
President, Board of Psychology

cc: Senator Patricia Bates (Vice Chair)
Members of the Senate Committee on Appropriations
Senator Richard Pan, MD
Samantha Lui, Consultant, Senate Committee on Appropriations
Amanda Richie, Consultant, Senate Republican Caucus

CONSENT

Bill No: SB 401
Author: Pan (D)
Amended: 3/4/21
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 14-0, 3/22/21
AYES: Roth, Melendez, Archuleta, Bates, Becker, Dodd, Eggman, Hurtado,
Jones, Leyva, Min, Newman, Ochoa Bogh, Pan

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Psychology: unprofessional conduct: disciplinary action: sexual
acts

SOURCE: Board of Psychology

DIGEST: This bill revises and recasts the circumstances under which specified
sexual acts constitute unprofessional conduct

ANALYSIS:

Existing law:

- 1) Requires that protection of the public to be the Board of Psychology's (Board) highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (BPC § 2920.1)
- 2) Requires any psychotherapist or employer of a psychotherapist who becomes aware through a client that the client had alleged sexual intercourse, sexual behavior, or sexual contact with a previous psychotherapist during the course of a prior treatment to provide a brochure to the client that delineates the rights of, and remedies for, clients who have been involved sexually with their

psychotherapists. Requires the psychotherapist or employer to discuss the brochure with the client. (BPC § 728 (a))

- 3) Defines, for purposes of the brochure, “sexual contact” as the touching of an intimate part of another person, and “sexual behavior” as inappropriate contact or communication of a sexual nature. “Sexual behavior” does not include the provision of appropriate therapeutic interventions relating to sexual issues. (BPC § 728 (c)(2))
- 4) Authorizes the Board to suspend or revoke the registration or license of any registrant or licensee found guilty of unprofessional conduct, which includes any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions, or duties of a psychologist, psychological assistant, or registered psychologist. (BPC § 2960 (o))
- 5) Requires any proposed decision or decision issued under the Psychology Licensing Law that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact with a patient, or with a former patient within two years following termination of therapy, contain an order of revocation. The revocation shall not be stayed by the administrative law judge (ALJ). (BPC § 2960.1)

This bill:

1) Defines for purposes of this bill:

- a) “Sexual abuse” to mean “the touching of an intimate part of a person by force or coercion;
- b) “Sexual behavior” to mean inappropriate physical contact or communication of a sexual nature with a client or a former client for the purposes of sexual arousal, gratification, exploitation, or abuse,” but does not include the provision of appropriate therapeutic intervention relating to sexual issues;
- c) “Sexual contact” to mean the touching of an intimate part of a client or a former client; and,
- d) “Sexual misconduct” to mean inappropriate conduct or communication of a sexual nature that is substantially related to the qualifications, functions, or

duties of a psychologist, psychological assistant, or registered psychologist.

- 2) Clarifies that any act of sexual contact, as defined, including with a patient or with a former patient within two years following termination of therapy, is unprofessional conduct, as specified.
- 3) States that a proposed or issued decision that contains a finding that the licensee or registrant engaged in an act of sexual abuse, sexual behavior, or sexual misconduct, as defined, may contain an order of revocation.
- 4) Makes other technical and clarifying changes.

Background

Board of Psychology. The Board regulates licensed psychologists, registered psychological assistants, and registered psychologists. Under current law, when an investigation finds that a psychologist had sexual contact with a client (patient or client) or former client within two years of termination of therapy, the proposed decision to impose discipline that the Administrative Law Judge (ALJ) recommends to the Board must include a recommendation for an order of revocation. The Board maintains ultimate adjudicatory discretion over the adoption of the final discipline against a licensee, but current law ensures that in instances of sexual intercourse and sexual contact, revocation must be the discipline recommended by an ALJ.

Current law defines sexual contact as “sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse”. Additionally, current law defines an intimate part as “the sexual organ, anus, groin, or buttocks of any person, and the breast of a female”.

Under current law, when an investigation finds that there were egregious sexual behaviors between a psychologist and a client during or within two years of termination of therapy, these cases do not count as sexual misconduct and the requirement for the ALJ’s proposed decision to include a recommendation of revocation does not apply. Since the law is not clear on how sexual behaviors should be prosecuted and adjudicated, the Board has historically had to prosecute and adjudicate these cases as boundary violations with a resulting discipline of placing the licensee on probation with different terms and conditions including such terms as continuing education or coursework related to the ethical breach involved in the acts.

In 2019, the Board pursued similar legislation that would have also defined “sexual behavior” as inappropriate contact or communication of a sexual nature – and would have also required an ALJ’s proposed decision to include an order of licensure revocation when there is a finding that a licensee of the Board of Psychology has engaged in sexual behavior short of sexual contact with a client during therapy, or within two years of termination of therapy.

Brochure. The DCA produces a consumer brochure entitled *Professional Therapy Never Includes Sex*, which the law requires a psychotherapist to provide to, and discuss with a client if the psychotherapist learns of inappropriate contact between the client and a previous psychotherapist. This brochure was updated in 2018 (AB 2968, Levine, Chapter 778, Statutes of 2018), to define and include “sexual behavior” between a client and a previous psychotherapist. This bill adds to the definition of “sexual behavior,” to include that “sexual behavior” be made by the psychotherapist “for the purpose of sexual arousal, gratification, exploitation, or abuse.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 4/20/21)

Board of Psychology (source)

OPPOSITION: (Verified 4/20/21)

None received

ARGUMENTS IN SUPPORT: The Board of Psychology writes that it “believes that sexual behavior in the psychotherapist-client relationship by the licensed professional is one of the most flagrant ethical violations possible, as it violates the duty of care inherent in a therapeutic relationship, abuses the trust of the client, and can create harmful, long-lasting emotional and psychological effects...The Board wants to ensure that egregious sexual behavior with a client, sexual misconduct, and sexual abuse is unprofessional conduct that merits the highest level of discipline...The Board is cognizant that during psychotherapy, and especially during therapeutic interventions related to sexual issues, there will be in-depth discussions and communications of a sexual nature with the client. When these discussions are a part of appropriate and documented therapeutic interventions,

these communications would not be considered sexual behavior under SB 401...The Board believes that inappropriate sexual behavior with a client is sexual misconduct and should be prosecuted and adjudicated as such.”

Prepared by: Sarah Mason / B., P. & E.D. /
4/21/21 15:12:15

****** END ******

SB-401 Psychology: unprofessional conduct: disciplinary action: sexual acts.

SECTION 1.

Section 2960 of the Business and Professions Code is amended to read:

2960.

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or ~~registered~~ psychological ~~associate~~. *assistant*.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to ~~themselves~~, *oneself*, any other person, or the public, or to an extent that this use impairs their ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use their license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(g) Violating Section 17500.

(h) Willful, unauthorized communication of information received in professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of their profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) (1) Any act of sexual abuse or sexual misconduct.

(2) Any act of sexual behavior or sexual contact with a client or former client within two years following termination of therapy.

(3) For purposes of this section, the following definitions apply:

(A) "Sexual abuse" means the touching of an intimate part of a person by force or coercion.

(B) "Sexual behavior" means inappropriate physical contact or communication of a sexual nature with a client or a former client for the purpose of sexual arousal, gratification, exploitation, or abuse. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues.

(C) "Sexual contact" means the touching of an intimate part of a client or a former client.

~~*(o) (D) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct*~~ *"Sexual misconduct" means inappropriate conduct or communication of a sexual nature* that is substantially related to the qualifications, ~~functions~~ *functions*, or duties of a ~~psychologist~~ *psychologist, psychological assistant,* or registered ~~psychological associate.~~ *psychologist.*

(p) Functioning outside of their particular field or fields of competence as established by their education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

SEC. 2.

Section 2960.1 of the Business and Professions Code is amended to read:

2960.1.

Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains

any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 728, ~~when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.~~ 2960, *shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge. A proposed or issued decision that contains a finding that the licensee or registrant engaged in an act of sexual abuse, sexual behavior, or sexual misconduct, as those terms are defined in Section 2960, may contain an order of revocation.*

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14 (a)(2)(A) – AB 32 (Aguiar-Curry) Telehealth

Background:

This bill would require the State Department of Health Care Services to indefinitely continue the telehealth flexibilities put in place during the COVID-19 pandemic state of emergency. The bill would require the department, by January 2022, to convene an advisory group with specified membership to provide input to the department on the development of a revised Medi-Cal telehealth policy that promotes specified principles. The bill would require the department, by December 2024, to complete an evaluation to assess the benefits of telehealth in Medi-Cal, including an analysis of improved access for patients, changes in health quality outcomes and utilization, and best practices for the right mix of in-person visits and telehealth. The bill would require the department to report its findings and recommendations from the evaluation to the appropriate policy and fiscal committees of the Legislature no later than July 1, 2025.

On 3/19/2021, the Legislative and Regulatory Affairs Committee voted to recommend the Board take a **Support** position on AB 32 (Aguiar-Curry).

On 4/2/2021, the Board adopted the Legislative and Regulatory Affairs Committee's recommendation to **Support** AB 32 (Aguiar-Curry).

Location: Senate Health

Status: 7/8/2021. Set for hearing in Senate Health on 7/14/2021. Hearing canceled at the request of the author.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: Board Letter of Support
Attachment B: Senate Health Committee Analysis
Attachment C: AB 32 (Aguiar-Curry) Bill Text

SENATE COMMITTEE ON HEALTH

Senator Dr. Richard Pan, Chair

BILL NO: AB 32
AUTHOR: Aguiar-Curry
VERSION: May 24, 2021
HEARING DATE: July 14, 2021
CONSULTANT: Teri Boughton

SUBJECT: Telehealth

SUMMARY: Expands the definition of telehealth to include telephone and other virtual communication. Requires medical groups delegated by health plans to comply with telehealth payment parity. Extends telehealth payment parity to Medi-Cal managed care and allows remote eligibility determinations, enrollment, and recertification for Medi-Cal and specified Medi-Cal programs. Requires the Department of Health Care Services to convene a telehealth policy advisory committee and conduct an evaluation of the benefits of telehealth. Makes other policy changes related to telehealth reimbursement for federally qualified health centers, rural health centers and other Medi-Cal enrolled clinics.

Existing law:

- 1) Requires before the delivery of health care via telehealth, the health care provider initiating the use of telehealth to inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health, and requires the consent to be documented. [BPC §2290.5]
- 2) Defines “telehealth” as the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers. [BPC §2290.5]
- 3) Defines “Synchronous interaction” as a real-time interaction between a patient and a health care provider located at a distant site. [BPC §2290.5]
- 4) Establishes the Department of Managed Health Care (DMHC) to regulate health plans under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act); California Department of Insurance (CDI) to regulate health and other insurance; and, the Department of Health Care Services (DHCS) to administer the Medi-Cal program. [HSC §1340, et seq., INS §106, et seq., and WIC §14000, et seq.]
- 5) Requires a contract between a health plan/health insurer and a health care provider to specify that the health plan/health insurer reimburse the treating or consulting health care provider for the diagnosis, consultation, or treatment of an enrollee or subscriber appropriately delivered through telehealth services on the same basis and to the same extent that the health care plan/insurer is responsible for reimbursement for the same service through in-person diagnosis, consultation, or treatment (referred to as telehealth payment parity requirements). [HSC §1374.14 and INS §10123.855]

- 6) Establishes the Health Care Providers' Bill of Rights, which specifies specified contract terms between health plans/insurers and health care providers, including that a plan/dental insurer does not have the authority to change a material term of the contract, unless the change has first been negotiated and agreed to by the provider and the plan/dental insurer, as specified. [HSC §1375.7 and INS §10133.65]
- 7) Exempts counties contracting with DHCS for the Medi-Cal managed care expansion to rural counties from the Knox-Keene Act. [WIC §14087.95]
- 8) Requires a FQHC or RHC "visit" to mean a face-to-face encounter between an FQHC or RHC patient and a physician, physician assistant, nurse practitioner, certified nurse-midwife, clinical psychologist, licensed clinical social worker, or a visiting nurse, and other providers, as specified. [WIC §14132.100]
- 9) Prohibits face-to-face contact or a patient's physical presence on the premises to be required for services provided by an enrolled community clinic to a Medi-Cal beneficiary during or immediately following a state of emergency, as described in existing law.[WIC §14132.723]
- 10) Requires the following services to be reimbursable when provided by an enrolled community clinic, an enrolled FFS Medi-Cal program provider, clinic, or facility approved by DHCS during or immediately following a state of emergency for any dates of service on or after the date that the department obtains federal approvals and federal matching funds to implement these provisions:
 - a) Telehealth services, including services provided by the enrolled community clinic or approved enrolled provider, clinic, or facility at a distant site location, whether on or off the premises, to a Medi-Cal beneficiary located at an originating site, which includes the beneficiary's home, temporary shelter, or any other location, if the services are provided somewhere located within the boundaries of the proclamation declaring the state of emergency.
 - b) Telephonic services.
 - c) Covered benefit services that are otherwise reimbursable to an FQHC or RHC, but that are provided somewhere off the premises, including, but not limited to, at a temporary shelter, a Medi-Cal beneficiary's home, or any location other than the premises, but within the boundaries of the proclamation declaring the state of emergency. [WIC §14132.723]
- 11) Requires DHCS to ensure its reimbursement policies reflect the intent of the Legislature to authorize reimbursement for telehealth services appropriately provided by an enrolled community clinic, or, if approved by DHCS, by an enrolled FFS Medi-Cal provider, clinic, or facility, respectively, during or immediately following a state of emergency. This does not limit reimbursement for, or coverage of, or reduce access to, services provided through telehealth on or before the enactment of this section. [WIC §14132.723]

This bill:

- 1) Revises the definition of "synchronous interaction" to include, but not be limited to, audio-video, audio only, such as telephone, and other virtual communication.
- 2) Requires if a health plan/health insurer delegates responsibility to a contracted entity, including a medical group or independent practice association, then the delegated entity must

comply with telehealth payment parity requirements pursuant to existing law.

- 3) Requires the obligation of a health plan/health insurer to comply with telehealth payment parity requirements pursuant to existing law not to be waived if the plan/insurer delegates services or activities that the plan/insurer is required to perform to its provider or another contracting entity. Requires a plan's/insurer's implementation to be consistent with the requirements of the Health Care Providers' Bill of Rights, and a material change in the obligations of a plan's/insurer's contracting network providers to be considered a material change to the provider contract, as specified.
- 4) Requires a county contracting with DHCS for the Medi-Cal managed care expansion to rural counties, and a subcontractor of a county contracting to provide Medi-Cal services, to comply with telehealth payment parity requirements.
- 5) Permits for the Family Planning, Access, Care, and Treatment, Presumptive Eligibility for Pregnant Women, and Every Woman Counts programs, a provider to enroll or recertify an individual remotely through telehealth and other virtual communication modalities, including telephone, based on the current Medi-Cal program eligibility form or forms applicable to the specific program.
- 6) Permits for the Medi-Cal Minor Consent program, a county eligibility worker to determine eligibility for, or recertify eligibility for, an individual remotely through virtual communication modalities, including telephone.
- 7) Permits DHCS to develop program policies and systems to support implementation of remote eligibility determination, enrollment, and recertification.
- 8) Permits DHCS to implement, interpret, or make specific this bill by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action.
- 9) Defines "enrolled clinic" as a licensed clinic, intermittent clinic exempt from licensure, a hospital or nonhospital-based clinic operated by the state or any of its political subdivisions, including the University of California, or a city, county, city and county, or hospital authority, and a tribal clinic exempt from licensure, or an outpatient setting conducted, maintained, or operated by a federally recognized Indian tribe, tribal organization, or urban Indian organization, as defined in federal law.
- 10) Requires health care services furnished by a Medi-Cal enrolled clinic through telehealth to be reimbursed by Medi-Cal on the same basis, to the same extent, and at the same payment rate as those services are reimbursed if furnished in person.
- 11) Prohibits DHCS from restricting the ability of an enrolled clinic to provide and be reimbursed for services furnished through telehealth and having policies that require all of the clinical elements of a service to be met as a condition of reimbursement. Includes as prohibited restrictions all of the following:
 - a) Requirements for face-to-face contact between an enrolled clinic provider and a patient.
 - b) Requirements for a patient's or provider's physical presence at the enrolled clinic or any other location.

- c) Requirements for prior in-person contacts between the enrolled clinic and a patient.
 - d) Requirements for documentation of a barrier to an in-person visit or a special need for a telehealth visit.
 - e) Policies, including reimbursement policies, that impose more stringent requirements on telehealth services than equivalent services furnished in person.
 - f) Limitations on the means or technologies through which telehealth services are furnished. This paragraph does not prohibit policies that require compliance with applicable federal and state health information privacy and security laws.
- 12) Includes in the definition of “visit” for purposes of Medi-Cal reimbursement of FQHCs and RHCs a telehealth encounter to the same extent as an in-person encounter.
- 13) Requires Medi-Cal managed care plans to comply with telehealth payment parity requirements. Prohibits Medi-Cal managed care plans from being required to pay FQHCs and RHCs the same amount for audio-only telehealth visits as equivalent in-person visits on or after January 1, 2025. Applies this to the extent consistent with federal Medicaid requirements that a managed care plan provide payment for services furnished by a FQHC and RHC that is not less than the level and amount of payment the managed care plan would make for the services if the services were furnished by a provider that is not a FQHC or RHC.
- 14) Requires DHCS to seek any necessary federal approvals and obtain federal financial participation (FFP) in implementing this bill, and this bill to be implemented only to the extent that any necessary federal approvals are obtained and FFP is available and not otherwise jeopardized.
- 15) Requires DHCS to reimburse each FQHC and RHC for health care services furnished through audio-only telehealth, including telephone, at the applicable prospective payment system per-visit rate, consistent with this bill, until the earlier of January 1, 2025, or the date that the FQHC or RHC elects to participate in an alternative payment methodology (APM) described 23) below.
- 16) Requires mental health services that are excluded from the benefits provided by county mental health plans under the specialty mental health services waiver, furnished through audio-only telehealth, to continue to be reimbursed at the applicable prospective payment system per-visit rate indefinitely, except if the FQHC or RHC elects an APM that covers those services.
- 17) Requires by January 2022, DHCS to convene an advisory group to provide input to DHCS on the development of a revised Medi-Cal telehealth policy that promotes all of the following principles:
- a) Telehealth shall be used as a means to promote timely and patient-centered access to health care.
 - b) Patients, in conjunction with their providers, shall be offered their choice of service delivery mode. Patients shall retain the right to receive health care in person.
 - c) Confidentiality and security of patient information shall be protected.

- d) Usual standard of care requirements shall apply to services provided via telehealth, including quality, safety, and clinical effectiveness.
- 18) Requires the advisory group to include representatives from community health centers, designated public hospitals, Medi-Cal managed care plans, consumer groups, labor organizations, behavioral health providers, counties, health care districts, and other Medi-Cal providers. Requires DHCS to utilize any potential federal funding or other nonstate general funding that may be available to support this effort.
- 19) Requires DHCS to consider disparities in the utilization of, and access to, telehealth, and to support patients and providers in increasing access to the technologies needed to use telehealth.
- 20) Requires when the care provided during a telehealth visit is commensurate with what would have been provided in person, payment to also be commensurate.
- 21) Requires by July 2024, DHCS to complete an evaluation to assess the benefits of telehealth in Medi-Cal. Requires the evaluation to analyze improved access for patients, changes in health quality outcomes and utilization, and best practices for the right mix of in-person visits and telehealth, and DHCS to utilize any potential federal funding or other nonstate general funding that may be available to support the implementation of this effort.
- 22) Requires DHCS to provide data and information to the evaluator, as appropriate, and report its findings and recommendations on the evaluation to the appropriate policy and fiscal committees of the Legislature no later than October 31, 2024.
- 23) Requires DHCS, in consultation with affected stakeholders, including, but not limited to, the California Association of Public Hospitals and Health Systems and the California Primary Care Association, to develop one or more federally permissible APM, consistent with federal law, that FQHCs and RHCs may elect to participate in.
- 24) Requires the APMs to be designed to enable the continued provision of high-quality health care, while furthering the goals of the Medi-Cal program to improve access and equity, and incentivize and support clinic infrastructure improvements.
- 25) Requires to the extent that an APM includes a separate per-visit payment rate for audio-only telehealth visits, that payment rate to be less than the rate the FQHC and RHC receives for an in-person visit. Exempts mental health services furnished through audio-only telehealth that are excluded from the benefits provided by county mental health plans under the specialty mental health services waiver.
- 26) Requires DHCS to submit and seek federal approval of the state plan amendment necessary for the implementation to be effective no later than January 1, 2025, and this to be implemented only to the extent that any necessary federal approvals are obtained and FFP is available and not otherwise jeopardized.

FISCAL EFFECT: According to the Assembly Appropriations Committee:

- 1) The California Health Benefits Review Program (CHBRP) states that some telehealth services replace existing in-person visits, while others are new supplemental visits that would

not have taken place in the absence of telehealth coverage. As the supplemental visits increase overall utilization of health care services, this bill increases health care costs as follows:

- a) Total state costs as follows:
 - i) \$136.5 million total funds (\$49 million General Fund (GF)) to Medi-Cal managed care. \$24.5 million of this total funds cost (\$9 million GF) is attributable to the increase in coverage and payment parity requirements for telehealth services provided by FQHCs and RHCs. The General Fund calculation assumes a FFP, or federal matching percentage of 64%, the same as that calculated for the Remote Patient Monitoring proposal in the Medi-Cal November 2020 Local Assistance Estimate.
 - ii) \$42.6 million (\$15 million GF) for services delivered to beneficiaries enrolled in Medi-Cal County Organized Health Systems and Medi-Cal fee-for-service (FFS).
 - iii) \$1.1 million to The California Public Employees' Retirement System (CalPERS) for premium increases, \$624,000 of which would be borne by the General Fund, federal funds and various special funds, with the remainder borne by local funds.
 - b) Total non-state costs as follows:
 - i) \$39.6 million in commercial health care premium increases paid by non-CalPERS employers.
 - ii) \$21.9 million in premium increases, and \$41.7 million in increased cost-sharing, paid by individuals and employees.
 - c) CHBRP does not identify cost offsets or savings as a result of this bill because it requires payment parity with in-person services and results in increased utilization. CHBRP notes it is unlikely the actual cost of staff, technology and resources used to deliver services via telehealth are less expensive than in-person care.
- 2) There is a significant amount of uncertainty related to cost estimates. Costs may be higher or lower than estimated by CHBRP. In particular, DHCS estimates potential costs due to the payment parity requirement are indeterminate but could be as high as \$300 million total funds annually (about \$100 million GF annually), higher than CHBRP estimates.
 - 3) Administrative costs to DHCS to develop an alternative payment methodology for clinics, likely in the hundreds of thousands of dollars (GF and federal funds). To implement SB 147 (Hernandez), Chapter 760, Statutes of 2015, a prior bill that authorized a pilot project to deploy an alternative payment methodology for FQHCs, DHCS requested three-year limited-term positions and spending authority of \$240,000 per year for three years and a \$300,000 contract for evaluation
 - 4) One-time staff or contract costs to DHCS of \$50,000 (GF and federal funds) to support facilitation of an advisory board to provide input to telehealth policies. Costs would be higher if the facilitator was asked to draft recommendations or policies.

- 5) Unknown potential Medi-Cal costs for increased number of beneficiaries associated with the option for remote eligibility determinations and recertifications, which should reduce the frictional costs of gaining and retaining Medi-Cal eligibility (GF and federal funds)

PRIOR VOTES:

Assembly Floor:	78 - 0
Assembly Appropriations Committee:	16 - 0
Assembly Health Committee:	13 - 0

COMMENTS:

- 1) *Author's statement.* According to the author, the COVID-19 pandemic has made abundantly clear what we have known for decades – our most vulnerable and marginalized communities continue to struggle for affordable and reliable access to healthcare. This bill will extend the telehealth flexibilities that were put in place during the COVID-19 pandemic, which have been vital to ensuring that health centers can continue providing services. More specifically this bill will ensure that telehealth, including telephonic and video care, are available to patients regardless of who they are, their insurance, what language they speak, or the barriers they may face, such as geographic, transportation, childcare, or the ability to take time off from work.
- 2) *COVID-19 emergency.* On March 11, 2020 the novel Coronavirus (COVID-19) was declared a global pandemic which set in motion declared public health emergencies across the United States. The COVID-19 outbreak was declared a national emergency on March 13, 2020, and was previously declared a nationwide public health emergency on January 31, 2020 (retroactive to January 27, 2020). On March 16, 2020 Governor Gavin Newsom announced that the state asked federal officials to make it easier for California to quickly and effectively provide care to about 13 million Medi-Cal beneficiaries as California works to protect the public from COVID-19. Specifically, the letter requested to ease certain federal rules governing doctors and other health care providers who treat people covered through Medi-Cal, and loosen rules regarding the use of telehealth and where care can be provided, making it simpler to protect seniors and other populations at high risk for harm if exposed to the virus. The DHCS letter to the federal Centers for Medicare & Medicaid Services (CMS) asked that the rules be waived under Section 1135 of the Social Security Act. The March 13th declared national emergency over COVID-19 allowed DHCS to seek the waiver. Under this authority and also through a California Medicaid State Plan amendment (SPA # 20-0024) was approved by CMS in May of 2020.
- 3) *DHCS Telehealth Policy.* According to DHCS, temporary policy changes during the COVID-19 public health emergency include:
 - a) Expanding the ability for providers to render all applicable Medi-Cal services that can be appropriately provided via telehealth modalities, including those historically not identified or regularly provided via telehealth such as home and community-based services, Local Education Agency and Targeted Case Management services;
 - b) Allowing most telehealth modalities to be provided for new and established patients
 - c) Allowing many covered services to be provided via telephone/audio-only for the first time;
 - d) Allowing payment parity between services provided in-person face-to-face, by synchronous telehealth, and by telephonic/audio only when the services met the

requirements of the billing code by various provider types, including FQHCs and RHCs in both FFS and managed care;

- e) Waiving site limitations for both providers and patients for FQHC and RHCs, which allows providers and/or beneficiaries to be in locations outside of the clinic to render and/or receive care, respectively; and,
- f) Allowing for expanded access to telehealth through non-public technology platforms. This “good faith” exemption was granted by the federal Office for Civil Rights, which would otherwise not be allowed under federal Health Insurance Portability and Accountability Act requirements.

Both physical and behavioral health providers responded rapidly to the COVID-19 public health emergency and widely pivoted to provide services via synchronous telehealth and telephonic/audio-only modalities. While telehealth has been available for decades as a promising solution to reduce barriers to care, utilization and adoption of these modalities has been historically slow. The COVID-19 public health emergency has led to the adoption of the use of telehealth modalities at an accelerated pace that had been unthinkable prior to the public health emergency. Providers quickly learned how to deliver a variety of services through new technology platforms, and Medi-Cal managed care plans learned how to reimburse those services

- 4) *California Health Benefits Review Program (CHBRP) analysis.* AB 1996 (Thomson, Chapter 795, Statutes of 2002) requests the University of California to assess legislation proposing a mandated benefit or service and prepare a written analysis with relevant data on the medical, economic, and public health impacts of proposed health plan and health insurance benefit mandate legislation. CHBRP was created in response to AB 1996, and reviewed this bill. Key findings include:

- a) *Coverage impacts and enrollees covered.* At baseline, 100% of enrollees with commercial or CalPERS health insurance that would be subject to this bill have coverage for live video telehealth services, whereas 80.4% of enrollees have coverage for telephone services. Approximately 7% of enrollees in CalPERS HMOs do not have benefit coverage for telehealth delivered via telephone. This bill would require commercial and CalPERS health plans and policies to provide new benefit coverage for telephone telehealth services for 19.6% of enrollees. At baseline, 100% of Medi-Cal managed care beneficiaries have existing benefit coverage for live video services. However, 73.5% of beneficiaries in DMHC-regulated Medi-Cal managed care plans have coverage for synchronous telephone services. This bill would require Medi-Cal managed care plans, County Organized Health Systems (COHS), and the FFS program to provide new benefit coverage for synchronous telephone services for 26.5% of beneficiaries.
- b) *Medical effectiveness.* Most studies pertinent to this analysis examine the use of telehealth modalities as a substitute for in-person care. In these cases, the relevant studies evaluated whether care provided via these technologies resulted in equal or better outcomes and processes of care than care delivered in person, and whether use of these technologies improved access to care. Some studies assessed the effects of telehealth as a supplement to in-person care; these studies evaluated whether adding these technologies improves processes of care and health outcomes relative to receiving in-person care alone. To examine whether services delivered via telehealth are of the same quality as in-person services, CHBRP examined three sets of outcomes: 1) health outcomes, including both physiological measures and patient-reported outcomes; 2) process of care outcomes,

including treatment adherence and accuracy of diagnoses and treatment plans; and 3) access to care and utilization outcomes, such as wait time for specialty care, or number of outpatient visits, emergency department visits, and hospitalizations. CHBRP found that evidence regarding whether telehealth modalities and services result in equal or better outcomes than care delivered in person is mixed, depending on the disease and condition, telehealth modality, and type of outcome studied: health outcomes, process of care, or use of other services. Because telehealth studies have only focused on a limited number of diseases and conditions, the findings may not be generalizable outside of the specific diseases and conditions studied.

- i) **For Live Video:** There is preponderance of evidence that care delivered by live video is at least as effective as in-person care for health outcomes for several conditions and health care settings, including infectious disease, obesity, diabetes, and abortion. There is clear and convincing evidence that mental health services for attention deficit/hyperactivity disorder (ADHD) depression, and posttraumatic stress disorder (PTSD) delivered by live video are at least as effective as in-person care for processes of care and health outcomes. There is clear and convincing evidence that dermatology diagnoses made via live video are as accurate as diagnoses made during in-person visits. There is a preponderance of evidence that scores on neurocognitive tests administered via live video are similar to scores obtained when tests are administered in person. Studies have also found diagnostic concordance between live video and in-person examination for shoulder disorders, otolaryngology, and fetal alcohol syndrome. There is a limited evidence that care delivered by live video is at least as effective as in-person care for access to care and utilization.
 - ii) **For Telephone:** For the diseases and conditions studied, the preponderance of evidence from studies of the effect of telephone consultations suggests that telephone consultations were at least as effective as in-person consultations on health outcomes. For the diseases and conditions studied, findings from studies of the effect of telephone consultations on processes of care and access to care and utilization are inconsistent; therefore, the evidence that medical care provided by telephone compared to medical care provided in person is inconclusive.
 - iii) **Comparing Live Video to Telephone:** There is a preponderance of evidence that behavioral health services delivered by live video are comparable to services delivered by telephone consultation on health outcomes. CHBRP found no studies that compared live video to telephone consultation on outcomes for processes of care and access to care and utilization of health services.
- c) *Utilization.* Of the new telehealth visits provided postmandate, CHBRP estimates that supplemental services will represent 50% of additional telehealth services and 50% will replace in-person care due to the ongoing effects of the pandemic and reticence by patients to seek in-person care.
- d) *Medi-Cal.* In addition to the estimated \$136,534,000 increase in premiums for the 8.05 million Medi-Cal beneficiaries enrolled in DMHC-regulated Medi-Cal managed care plans, a proportional increase of \$42.62 million is estimated to occur for the beneficiaries enrolled in COHS managed care and the FFS program. CHBRP assumes the two populations to be relatively similar and to have relatively similar benefit coverage. Of the \$136,534,000 increase in Medi-Cal managed care expenditures, \$134,005,000 would be due to parity requirements and \$2,529,000 would be due to new coverage of telehealth services. Additionally, of the \$136,534,000 increase in expenditures, \$24,450,000

(0.10%) would be due to the increase in coverage and parity requirements for telehealth services provided by FQHCs/RHCs.

- e) *Impact on expenditures.* This bill would increase total net annual expenditures by \$240,827,000, or 0.18%, for enrollees with DMHC-regulated plans, CDI-regulated policies, and DMHC-regulated Medi-Cal managed care plans. This is due to an increase in total health insurance premiums paid by DMHC-regulated large-group plans (\$0.29 per member per month [PMPM]), small-group plans (\$0.77 PMPM), individual market plans (\$0.20 PMPM), CalPERS HMOs (\$0.13 PMPM), Medi-Cal managed care plans for age under 65 years (\$1.42 PMPM), Medi-Cal managed care for ages 65 and over (\$1.41 PMPM), CDI-regulated large-group (\$1.32 PMPM), and CDI-regulated individual market (\$0.95 PMPM) policies. The largest increases in expenditures were in Medi-Cal managed care for age under 65 (0.63%), Medi-Cal managed care for age 65+ (0.30%), and CDI-regulated large group (0.26%). CHBRP does not project any cost offsets or savings in expenditures that would result because of the enactment of provisions in this bill.
 - f) *Public health.* This bill would increase access to health care by reducing transportation barriers to in-person care by covering telephone (audio only) visits. This bill would also increase health care options and reduce travel costs and travel time for those enrollees who use the newly covered telephonic visits or reimbursable live video visits with FQHC/RHC providers. These enrollees and Medi-Cal beneficiaries may have equivalent or better outcomes (compared with in-person care) because they would no longer delay or avoid in-person visits because of travel difficulties. For those rural (and some urban) enrollees and Medi-Cal beneficiaries who have no broadband connectivity (due to lack of infrastructure in remote areas or cost of service or devices), a landline telephone would remain a viable telehealth modality, resulting in equivalent or better outcomes (compared with in-person care).
- 5) *FQHC and RHC APM Pilot.* SB 147 (Hernandez, Chapter 760, Statutes of 2015) authorized a three-year APM pilot program for county and community-based FQHCs willing to participate in the pilot program. The purpose of SB 147 to incentivize delivery system and practice transformation at FQHCs through flexibilities available under a capitated model which would move the clinics away from the traditional volume-based, PPS, to a payment methodology that better aligns the evolving financing and delivery of health services. The proposed APM structure provides participating FQHCs the flexibility to deliver care in the most effective manner, without having to worry about the more restrictive traditional billing structure that is in place today. With the flexibility of payment reform, FQHCs will begin to provide and/or expand upon the innovative forms of care which are not reimbursed under traditional volume-based PPS. This pilot has not been implemented.
- 6) *Budget Act of 2021-22.* As part of the budget, DHCS requested trailer bill language to extend permanent flexibilities for the delivery of certain Medi-Cal benefits through telehealth, telephonic/audio-only, remote patient monitoring, and other virtual communication modalities, to establish a rate for audio-only telehealth services at 65% of the FFS rate, and a comparable alternative to the prospective payment system rates for clinics to maintain an incentive for in-person care. This issue was rejected by the Senate Budget Health and Human Services Subcommittee #3 and instead the subcommittee adopted modified placeholder trailer bill language to align with the provisions of this bill.

- 7) *Related legislation.* AB 133 (Assembly Committee on Budget), *pending in the Senate Committee on Budget and Fiscal Review*, and SB 133 (Senate Committee on Budget and Fiscal Review), *pending in the Assembly Committee on Budget*, are omnibus health trailer bills, that include a requirement that DHCS seek federal approvals to extend the Public Health Emergency-approved flexibilities related to the delivery and reimbursement of services via telehealth modalities until December 31, 2022, and convene an advisory group to provide recommendations to inform DHCS on establishing and adopting billing and utilization management protocols for telehealth modalities. AB 133/SB 133 also authorize DHCS to enter into contracts or amend existing contracts, for purposes of implementing these provisions and exempts those contracts from specified provisions of law.
- 8) *Prior legislation.* AB 2164 (Robert Rivas of 2020) would have required a "visit" for purposes of reimbursement by Medi-Cal to include a visit by an FQHC/RHC patient and a health care provider using telehealth through synchronous interaction (face to face over video) or asynchronous store and forward (the sending of images such as x-rays to a health care provider), and would have authorized a FQHCs and RHCs to establish a patient, located within the federal designated service area of the FQHC and RHC, through synchronous interaction or asynchronous store and forward as of the date of service. Would have permitted DHCS to implement, interpret, and make specific the Medi-Cal telehealth provisions of this bill by means of all-county letters, provider bulletins, and similar instructions, and required the adoption of regulations by July 1, 2022. AB 2164 would have sunset 180 days after the state of emergency for the COVID-19 pandemic has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature. AB 2164 was vetoed by the Governor. In his veto message, the Governor writes:

While I am supportive of utilizing telehealth to increase access to primary and specialty care services, DHCS is currently in the process of evaluating its global telehealth policy to determine what temporary flexibilities should be extended beyond the COVID-19 pandemic. Changes to FQHC and RHC telehealth is better considered within the context of a global assessment around telehealth in the state of California. Further, the cost of these changes is also more appropriately considered alongside other policy changes in the budget process next year.

AB 744 (Aguiar-Curry, Chapter 867, Statutes of 2019) requires health care contracts after January 1, 2021, to specify that the health plan or insurer is required to cover and reimburse diagnosis, consultation, or treatment delivered through telehealth on the same basis and to the same extent that the plan or insurer is responsible for coverage and reimbursement for the same service provided through in-person diagnosis, consultation, or treatment. Revises Medi-Cal telehealth requirements so that the law prohibits face-to-face contact between a health care provider and a Medi-Cal patient for health care services that are appropriately provided by store and forward, to the extent that FFP is available, subject to billing and reimbursement policies developed by DHCS.

AB 1494 (Aguiar-Curry, Chapter 829, Statutes of 2019) prohibits face-to-face contact or a patient's physical presence on the premises of an enrolled community clinic, as specified, to be required for services provided to a Medi-Cal beneficiary during or immediately following a state of emergency. Requires DHCS on or before July 1, 2020, to issue and publish on its Website guidance to facilitate reimbursement for services provided by enrolled community clinics to a Medi-Cal beneficiary during or immediately following a state of emergency.

AB 1174 (Bocanegra, Chapter 662, Statutes of 2014) expands the scope of practice for a registered dental assistant in extended functions, registered dental hygienist, and registered dental hygienist in alternative practice to better enable the practice of teledentistry in accordance with the findings of a Health Workforce Pilot Program, and authorizes Medi-Cal payments for teledentistry services provided to individuals participating in the Medi-Cal program.

AB 415 (Logue, Chapter 547, Statutes of 2011) establishes the Telehealth Advancement Act of 2011 to revise and update existing law to facilitate the advancement of telehealth as a service delivery mode in managed care and the Medi-Cal Program.

- 6) *Support if amended.* Health Access California writes that while they support ongoing expansion of telehealth modalities, they have emphasized the need to proceed in a manner that centers consumer interests with a data-driven approach. Health Access California suggests additional amendments as follow to ensure consumer choice is not sacrificed as a result of telehealth expansions, and to ensure strong data evaluation requirements:
- a) Add language to Health and Safety Code and Insurance Code to specify that consumers may always opt for in-person care, even if previously that elected to receive services via telehealth.
 - b) Apply evaluation requirements for telehealth services delivered to consumers in the commercial market as well as those in Medi-Cal managed care plans, and strengthen requirements to include full evaluation of the impact telehealth has had on delivery, access, and quality of healthcare, including health outcomes, and how telehealth has impact diverse communities.

The Center for Autism and Related Disorders (CARD) writes existing law allows for telehealth to be provided by qualified autism providers and qualified autism service professionals. However, during the Public Health Emergency, flexibilities have been granted to allow services by qualified autism service paraprofessionals who often provide direct one-on-one treatment, and we respectfully urge an amendment to continue the flexibility that permits qualified autism service paraprofessionals to deliver services via telehealth.

The Los Angeles Unified School District Los Angeles Unified seeks an amendment that would clarify that school districts can also take advantage of the policy this bill seeks to accomplish.

- 7) *Support.* Essential Access Health, a cosponsor of this bill writes, telehealth has become a crucial pathway for patients to access care during the pandemic and will remain so beyond the public health emergency period. Access to telehealth decreases barriers, increases access to care for patients, and reduces no-show rates significantly. Telephonic care in particular has become a reliable modality of care. Recent surveys conducted by the California HealthCare Foundation found that most patients would like the option of a telephone or video visit and would likely choose a phone or video visit over an in-person visit whenever possible. Essential Access Health conducted a survey of Title X provider network last fall and respondents reported that on average, nearly 60% of their remote sexual and reproductive health visits were conducted by telephone. A majority said that more than half of their patients are expected to choose telehealth visits over in-person appointments by April 2021. Over 40% of California teen respondents reported that they would prefer telehealth visits by phone. Nearly 60% of California teen respondents indicated they would be much more or somewhat more likely to get health care using telehealth than if they had to go to a clinic.

The California Medical Association, another cosponsor, writes the provisions of this bill guarantee that Medi-Cal patients will have the same access to telehealth services as commercially-insured patients. This is a key change, as Medi-Cal patients are most likely to have transportation challenges, child care issues, or other challenges that make it difficult to get to an in-person visit. California Health+ Advocates, another cosponsor, writes community health centers are leveraging telehealth technology to improve access to care and meet increased patient demands. Telehealth has been an important way for patients to access care during the pandemic and it will be critical to providing post-pandemic care, and telephonic (audio only) care has become a reliable modality of care. Another sponsor, Planned Parenthood, writes centers now provide about 25% of their visits through telehealth – which includes both video and audio-only visits. The majority of Planned Parenthood’s telehealth visits are for birth control, sexually transmitted infections screening and treatment, pregnancy counselling, gender affirming care, PrEP and PEP follow-ups, and UTI screenings. All visits, regardless of modality, meet the time, medical decision-making, and documentation requirements of billing codes to be reimbursed. The California Public Hospitals and Health Systems, another cosponsor, writes Telehealth has opened up new options for patients who struggle with traditional visits, thereby expanding access to ensure their needs are met and helping to prevent the devastating consequences of delayed and avoided care. Increasing take-up of primary, preventive and chronic disease care via telehealth will likely result in better health outcomes and lower total costs to Medi-Cal over the long term. Telehealth is not a substitute for all types of in person care and all situations, but when it is appropriate, we must ensure the option is available. California’s public health care systems are successfully using telehealth to provide a broad array of care, including primary and specialty care, chronic disease management, bedside consults for patients in the hospital, behavioral health care, and the support of care coordinators and social workers.

- 9) *Concerns.* The Service Employees International Union, California (SEIU) writes that the COVID-19 pandemic has disrupted our healthcare delivery system, and telehealth is an important modality for the delivery of healthcare during the emergency and moving forward. As this effort moves forward, it is vital that California understands the impact of this modality on the workforce, just like the introduction of other invocations like x-rays, election health records or cardiac catheterization. SEIU requests that the evaluation process described in this bill are expanded to include the impact on the healthcare workforce. Below is sample of language that expands the evaluation section of this bill, to help understand the impact of telehealth on the workforce.

The impact of telehealth on the healthcare workforce, including types of positions or roles, expansion or reduction in types of workers, and skills or certifications that are needed to prepare workers and providers to effectively provide care through telehealth. Best telehealth workforce practices or models for delivering high-quality care as they relate to outcomes in the bill.

The current language of this bill creates a stakeholder process that calls out employers to develop APMs for payment of telehealth services. The types of services and level of reimbursement have a significant impact on SEIU members, and that process would be incomplete without their perspective. If this provision moves forward, SEIU requests to be included in that stakeholder process.

- 10) *Opposition.* The California Association of Health Plans, the Association of California Life and Health Insurance Companies, and America’s Health Insurance Plans write to oppose this bill because it is one of the fourteen health insurance mandate will increase costs, reduce choice and competition, and further incent some employers and individuals to avoid state

regulation by seeking alternative coverage options. Large employers, unions, small businesses and hard-working families value their ability to shop for the right health plan, at the right price, that best fits their needs. Benefit mandates impose a one-size-fits-all approach to medical care and benefit design driven by the Legislature, rather than consumer choice. The California Chamber of Commerce (Chamber) believes this bill's current definition of telehealth will increase the cost of care delivery since it places no parameters on the telephone-only parity provision. The Chamber indicates a clear definition is needed for exactly which virtual/remote services will be placed at parity with in-person presentations and to what extent they will be at parity, and states without this guardrail, the bill could potentially place even the simplest and shortest patient-provider telephone interactions at parity with in-person presentations.

11) *Policy comment.* Policy comment.

12) *Amendments.*

- a) The amendments to the Insurance Code are unnecessary as health insurers do not delegate services to medical groups and other entities.
- b) Does the committee wish to adopt amendments requested by SEIU, Health Access California, CARD or Los Angeles Unified?

SUPPORT AND OPPOSITION:

Support: California Association of Public Hospitals and Health Systems (cosponsor)
 California Medical Association (cosponsor)
 CommunityHealth+ Advocates (cosponsor)
 Essential Access Health (cosponsor)
 Planned Parenthood Affiliates of California (cosponsor)
 AARP California
 AIDS Healthcare Foundation
 Alameda Health Consortium
 Alameda Health System
 All Inclusive Community Health Center
 Alliance Medical Center
 AltaMed Health Services
 American College of Obstetricians and Gynecologists District IX
 Ampla Health
 APLA Health
 Arnold & Associates
 Arroyo Vista Family Health Center
 Asian Health Services
 Asian Pacific Health Care Venture, Inc.
 Association for Clinical Oncology
 Association of California Healthcare Districts
 Bartz-Altadonna Community Health Centers
 Behavioral Health Services, Inc.
 Borrego Health
 Business & Professional Women of Nevada County
 California Academy of Family Physicians
 California Association of Health Facilities
 California Association of Social Rehabilitation Agencies
 California Behavioral Health Planning Council

California Board of Psychology
California Chapter of the American College of Emergency Physicians
California Chronic Care Coalition
California Commission on Aging
California Commission on the Status of Women and Girls
California Consortium for Urban Indian Health
California Dialysis Council
California Hospital Association
California Primary Care Association
California Podiatric Medical Association
California Psychological Association
California School-based Health Alliance
California Solar & Storage Association
California State Association of Psychiatrists
California Telehealth Network
California Telehealth Policy Coalition
Center for Family Health & Education
Central California Partnership for Health
Central Valley Health Network
ChapCare Medical and Dental Health Center
CHE Behavioral Services
Children Now
Children's Specialty Care Coalition
Chinatown Service Center
Citizens for Choice
City of San Francisco
Coalition of Orange County Community Health Centers
CommuniCare Health Centers
Community Clinic Association of Los Angeles County
Community Health Councils
Community Health Partnership
Community Medical Wellness Centers
County Health Executives Association of California
County of Contra Costa
County of San Diego
County of San Francisco
County of Santa Barbara
County of Santa Clara
County Welfare Directors Association of California
Desert Aids Project
District Hospital Leadership Forum
Eisner Health
El Proyecto Del Barrio, Inc.
Family Health Care Centers of Greater Los Angeles, Inc.
Father Joe's Villages
First 5 Association of California
Golden Valley Health Centers
Governmental Advocates, Inc.
Health Access California
Health Alliance of Northern California

Health Care LA
Health Center Partners of Southern California
Health Improvement Partnership of Santa Cruz
Kheir Clinic
Kheir Health Services
LA Clinica De LA Raza, INC.
Lifelong Medical Care
Los Angeles Homeless Services Authority
Los Angeles LGBT Center
Mission City Community Network
Morongo Basin Healthcare District
MPact Global Action for Gay Men's Health and Human Rights
NARAL Pro-Choice California
National Association of Social Workers, California Chapter
National Multiple Sclerosis Society
Natividad Medical Center - County of Monterey
Neighborhood Healthcare
North Coast Clinics Network
North East Medical Services
Northeast Valley Health Corporation
Occupational Therapy Association of California
OCHIN
Ole Health
ParkTree Community Health Centers
Petaluma Health Center
Queens Care Health Centers
Redwood Community Health Coalition
Rural County Representatives of California
Saban Community Clinic
Salud Para La Gente
San Fernando Community Health Center
San Francisco Department of Public Health
San Mateo County Board of Supervisors
San Ysidro Health
Santa Barbara Women's Political Committee
Santa Barbara; County of
Santa Cruz Community Health Centers
Santa Rosa Community Health
Shasta Community Health Center
Solano County Board of Supervisors
South Bay Family Health Center
South Central Family Health Center
St. John's Well Child and Family Center
Steinberg Institute
Sutter Health
TCC Family Health
Tenet Healthcare Corporation
The Achievable Foundation
The California Association of Local Behavioral Health Boards and Commissions
The Los Angeles Trust for Children's Health

Triple P America Inc.
TrueCare
UMMA Community Clinic
Unicare Community Health Center
Universal Community Health Center
Urban Counties of California
Venice Family Clinic
WellSpace Health
Western Center on Law & Poverty
Westside Family Health Center
Women's Health Specialists

Oppose: America's Health Insurance Plans
Association of California Life and Health Insurance Companies
California Association of Health Plans
California Chamber of Commerce (unless amended)

-- END --

SECTION 1.

(a) The Legislature finds and declares all of the following:

(1) The Legislature has recognized the practice of telehealth as a legitimate means by which an individual may receive health care services from a health care provider without in-person contact with the provider, and enacted protections in Section 14132.72 of the Welfare and Institutions Code to prevent the State Department of Health Care Services from restricting or limiting telehealth services.

(2) The use of telehealth was expanded during the COVID-19 pandemic public health emergency and has proven to be an important modality for patients to stay connected to their health care providers. Telehealth has been especially critical for California's Medi-Cal patients.

(3) Patients have reported high satisfaction with telehealth, noting how easy it is to connect with their care teams without having to take time off work, find childcare, or find transportation to an in-person appointment.

(4) In addition to video access, audio-only care is essential because many patients have reported challenges accessing video technology due to limitations with data plans and internet access.

(5) Primary care and specialty care providers have found telehealth to be a critical access point to address a variety of health care needs, including helping patients manage chronic disease, adjust pain medications, and for followup visits after a procedure, among others.

(6) Behavioral health providers have found that offering telehealth has engaged patients in necessary care they would never have received if required to walk into a clinic.

(7) Health care providers have reported significant decreases in the number of missed appointments since telehealth became available, helping to ensure that patients receive high-quality care in a timely manner.

(8) Telehealth is widely available to individuals with health insurance in the commercial market, and existing law in Section 1374.14 of the Health and Safety Code and Section 10123.855 of the Insurance Code requires commercial health care service plans and health insurers to pay for services delivered through telehealth services on the same basis as equivalent services furnished in person. Medi-Cal must evolve with the rest of the health care industry to achieve health equity for low-income Californians.

(9) The expanded telehealth options that patients and providers have relied on during the COVID-19 pandemic should continue to be available to Medi-Cal recipients after the public health emergency is over.

(b) It is the intent of the Legislature to continue the provision of telehealth in Medi-Cal, including video and audio-only technology, for the purposes of expanding access and enhancing delivery of health care services for beneficiaries.

SEC. 2.

Section 2290.5 of the Business and Professions Code is amended to read:

2290.5.

(a) For purposes of this division, the following definitions shall apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means any of the following:

(A) A person who is licensed under this division.

(B) An associate marriage and family therapist or marriage and family therapist trainee functioning pursuant to Section 4980.43.3.

(C) A qualified autism service provider or qualified autism service professional certified by a national entity pursuant to Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

~~(D) An associate clinical social worker functioning pursuant to Section 4996.23.2.~~

~~(E) An associate professional clinical counselor functioning pursuant to Section 4999.46.3.~~

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time ~~interaction~~ *interaction, including, but not limited to, audiovideo, audio only, such as telephone, and other virtual communication*, between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

- (b) Before the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.
- (c) This section does not preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.
- (d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.
- (e) This section shall not be construed to alter the scope of practice of a health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.
- (f) All laws regarding the confidentiality of health care information and a patient's rights to the patient's medical information shall apply to telehealth interactions.
- (g) All laws and regulations governing professional responsibility, unprofessional conduct, and standards of practice that apply to a health care provider under the health care provider's license shall apply to that health care provider while providing telehealth services.
- (h) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.
- (i) (1) Notwithstanding any other law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.
- (2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).
- (3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

SEC. 3.

Section 1374.14 of the Health and Safety Code is amended to read:

1374.14.

(a) (1) A contract between a health care service plan and a health care provider for the provision of health care services to an enrollee or subscriber shall specify that the health care service plan shall reimburse the treating or consulting health care provider for the diagnosis, consultation, or treatment of an enrollee or subscriber appropriately delivered through telehealth services on the same basis and to the same extent that the health care service plan is responsible for reimbursement for the same service through in-person diagnosis, consultation, or treatment.

(2) This section does not limit the ability of a health care service plan and a health care provider to negotiate the rate of reimbursement for a health care service provided pursuant to a contract subject to this section. Services that are the same, as determined by the provider's description of the service on the claim, shall be reimbursed at the same rate whether provided in person or through telehealth. When negotiating a rate of reimbursement for telehealth services for which no in-person equivalent exists, a health care service plan and the provider shall ensure the rate is consistent with subdivision (h) of Section 1367.

(3) This section does not require telehealth reimbursement to be unbundled from other capitated or bundled, risk-based payments.

(4) If a health care service plan delegates responsibility for the performance of the duties described in this section to a contracted entity, including a medical group or independent practice association, then the delegated entity shall comply with this section.

(5) The obligation of a health care service plan to comply with this section shall not be waived if the plan delegates services or activities that the plan is required to perform to its provider or another contracting entity. A plan's implementation of this section shall be consistent with the requirements of the Health Care Providers' Bill of Rights, and a material change in the obligations of a plan's contracting network providers shall be considered a material change to the provider contract, within the meaning of subdivision (b) Section 1375.7.

(b) (1) A health care service plan contract shall specify that the health care service plan shall provide coverage for health care services appropriately delivered through telehealth services on the same basis and to the same extent that the health care service plan is responsible for coverage for the same service through in-person diagnosis, consultation, or treatment. Coverage shall not be limited only to services delivered by select third-party corporate telehealth providers.

(2) This section does not alter the obligation of a health care service plan to ensure that enrollees have access to all covered services through an adequate network of contracted providers, as required under Sections 1367, 1367.03, and 1367.035, and the regulations promulgated thereunder.

(3) This section does not require a health care service plan to cover telehealth services provided by an out-of-network provider, unless coverage is required under other law.

(c) A health care service plan may offer a contract containing a copayment or coinsurance requirement for a health care service delivered through telehealth services, provided that the copayment or coinsurance does not exceed the copayment or coinsurance applicable if the same services were delivered through in-person diagnosis, consultation, or treatment. This subdivision does not require cost sharing for services provided through telehealth.

(d) Services provided through telehealth and covered pursuant to this chapter shall be subject to the same deductible and annual or lifetime dollar maximum as equivalent services that are not provided through telehealth.

(e) The definitions in subdivision (a) of Section 2290.5 of the Business and Professions Code apply to this section.

~~(f) This section shall not apply to Medi-Cal managed care plans that contract with the State Department of Health Care Services pursuant to Chapter 7 (commencing with Section 14000) of, Chapter 8 (commencing with Section 14200) of, or Chapter 8.75 (commencing with Section 14591) of, Part 3 of Division 9 of the Welfare and Institutions Code.~~

~~(g) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.~~

SEC. 4.

Section 10123.855 of the Insurance Code is amended to read:

10123.855.

(a) (1) A contract between a health insurer and a health care provider for an alternative rate of payment pursuant to Section 10133 shall specify that the health insurer shall reimburse the treating or consulting health care provider for the diagnosis, consultation, or treatment of an insured or policyholder appropriately delivered through telehealth services on the same basis and to the same extent that the health insurer is responsible for reimbursement for the same service through in-person diagnosis, consultation, or treatment.

(2) This section does not limit the ability of a health insurer and a health care provider to negotiate the rate of reimbursement for a health care service provided pursuant to a contract subject to this section. Services that are the same, as determined by the provider's description of the service on the claim, shall be reimbursed at the same rate

whether provided in person or through telehealth. When negotiating a rate of reimbursement for telehealth services for which no in-person equivalent exists, a health insurer and the provider shall ensure the rate is consistent with subdivision (a) of Section 10123.137.

(3) If a health insurer delegates responsibility for the performance of the duties described in this section to a contracted entity, including a medical group or independent practice association, then the delegated entity shall comply with this section.

(4) The obligation of a health insurer to comply with this section shall not be waived if the insurer delegates services or activities that the insurer is required to perform to its provider or another contracting entity. An insurer's implementation of this section shall be consistent with the requirements of the Health Care Providers' Bill of Rights, and a material change in the obligations of an insurer's contracting network providers shall be considered a material change to the provider contract, within the meaning of subdivision (b) Section 10133.65.

(b) (1) A policy of health insurance that provides benefits through contracts with providers at alternative rates of payment shall specify that the health insurer shall provide coverage for health care services appropriately delivered through telehealth services on the same basis and to the same extent that the health insurer is responsible for coverage for the same service through in-person diagnosis, consultation, or treatment. Coverage shall not be limited only to services delivered by select third-party corporate telehealth providers.

(2) This section does not alter the existing statutory or regulatory obligations of a health insurer to ensure that insureds have access to all covered services through an adequate network of contracted providers, as required by Sections 10133 and 10133.5 and the regulations promulgated thereunder.

(3) This section does not require a health insurer to deliver health care services through telehealth services.

(4) This section does not require a health insurer to cover telehealth services provided by an out-of-network provider, unless coverage is required under other ~~provisions of~~ law.

(c) A health insurer may offer a policy containing a copayment or coinsurance requirement for a health care service delivered through telehealth services, provided that the copayment or coinsurance does not exceed the copayment or coinsurance applicable if the same services were delivered through in-person diagnosis, consultation, or treatment. This subdivision does not require cost sharing for services provided through telehealth.

(d) Services provided through telehealth and covered pursuant to this chapter shall be subject to the same deductible and annual or lifetime dollar maximum as equivalent services that are not provided through telehealth.

(e) The definitions in subdivision (a) of Section 2290.5 of the Business and Professions Code apply to this section.

~~(f) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.~~

SEC. 5.

Section 14087.95 of the Welfare and Institutions Code is amended to read:

14087.95.

~~Counties~~ (a) *A county* contracting with the department pursuant to this article shall be exempt from ~~the provisions of~~ Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code for purposes of carrying out the contracts.

(b) (1) Notwithstanding subdivision (a), a county contracting with the department pursuant to this article shall comply with Section 1374.14 of the Health and Safety Code.

(2) If a county subcontracts for the provision of services pursuant to this article, as authorized under Section 14087.6, the subcontractor shall comply with Section 1374.14 of the Health and Safety Code.

SEC. 6.

Section 14092.4 is added to the Welfare and Institutions Code, immediately following Section 14092.35, to read:

14092.4.

(a) To enroll individuals in Medi-Cal programs that permit onsite enrollment and recertification of individuals by a provider or county eligibility worker as applicable, the following shall apply:

(1) For the Family Planning, Access, Care, and Treatment (Family PACT), Presumptive Eligibility for Pregnant Women, and Every Woman Counts programs, a provider may enroll or recertify an individual remotely through telehealth and other virtual communication modalities, including telephone, based on the current Medi-Cal program eligibility form or forms applicable to the specific program.

(2) For the Medi-Cal Minor Consent program, a county eligibility worker may determine eligibility for, or recertify eligibility for, an individual remotely through virtual communication modalities, including telephone.

(b) The department may develop program policies and systems to support implementation of remote eligibility determination, enrollment, and recertification, consistent with this section.

(c) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action.

SEC. 7.

Section 14132.721 is added to the Welfare and Institutions Code, immediately following Section 14132.72, to read:

14132.721.

(a) Notwithstanding any other law, and subject to paragraph (2) of subdivision (c), health care services furnished by an enrolled clinic through telehealth shall be reimbursed by Medi-Cal on the same basis, to the same extent, and at the same payment rate as those services are reimbursed if furnished in person, consistent with this section.

(b) Consistent with the protections for health care providers set forth in the Telehealth Advancement Act of 2011, including Section 14132.72, the department shall not restrict the ability of an enrolled clinic to provide and be reimbursed for services furnished through telehealth and this subdivision shall not prohibit policies that require all of the clinical elements of a service to be met as a condition of reimbursement. Prohibited restrictions include all of the following:

(1) Requirements for face-to-face contact between an enrolled clinic provider and a patient.

(2) Requirements for a patient's or provider's physical presence at the enrolled clinic or any other location.

(3) Requirements for prior in-person contacts between the enrolled clinic and a patient.

(4) Requirements for documentation of a barrier to an in-person visit or a special need for a telehealth visit.

(5) Policies, including reimbursement policies, that impose more stringent requirements on telehealth services than equivalent services furnished in person.

(6) Limitations on the means or technologies through which telehealth services are furnished. This paragraph does not prohibit policies that require compliance with applicable federal and state health information privacy and security laws.

(c) (1) Notwithstanding the in-person requirements of Section 14132.100, if an enrolled clinic is also a federally qualified health center or a rural health center, the definition of “visit” set forth in subdivision (g) of Section 14132.100 includes a telehealth encounter to the same extent it includes an in-person encounter.

(2) Health care services furnished through audio-only telehealth, including by telephone, by a federally qualified health center or a rural health clinic, other than mental health services that are excluded from the benefits provided by county mental health plans under the specialty mental health services waiver, shall be reimbursed pursuant to Section 14132.722.

(d) This section does not eliminate the obligation of a health care provider to obtain verbal or written consent from the patient before delivery of health care via telehealth or the rights of the patient, pursuant to subdivisions (b) and (c) of Section 2290.5 of the Business and Professions Code.

(e) (1) The department shall require Medi-Cal managed care plans, through contract or otherwise, to adhere to the requirements of subdivision (b) of this section.

(2) Medi-Cal managed care plans shall comply with the requirements for health care service plan contracts set forth in Section 1374.14 of the Health and Safety Code and the requirements for health insurance policies set forth in Section 10123.855 of the Insurance Code. Medi-Cal managed care plans shall not be required to pay federally qualified health centers and rural health clinics the same amount for audio-only telehealth visits as equivalent in-person visits on or after January 1, 2025. This paragraph shall be applied to the extent consistent with federal Medicaid requirements that a managed care plan provide payment for services furnished by a federally qualified health center or rural health clinic that is not less than the level and amount of payment the managed care plan would make for the services if the services were furnished by a provider that is not a federally qualified health center or rural health clinic.

(f) This section does not limit reimbursement for or coverage of, or reduce access to, services provided through telehealth before the enactment of this section.

(g) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, and make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action.

(h) The department shall seek any necessary federal approvals and obtain federal financial participation in implementing this section. This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and not otherwise jeopardized.

(i) For purposes of this section:

(1) "Enrolled clinic" means any of the following:

(A) A clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code.

(B) An intermittent clinic exempt from licensure under subdivision (h) of Section 1206 of the Health and Safety Code.

(C) A hospital or nonhospital-based clinic operated by the state or any of its political subdivisions, including the University of California, or a city, county, city and county, or hospital authority.

(D) A tribal clinic exempt from licensure under subdivision (c) of Section 1206 of the Health and Safety Code, or an outpatient setting conducted, maintained, or operated by a federally recognized Indian tribe, tribal organization, or urban Indian organization, as defined in Section 1603 of Title 25 of the United States Code.

(2) "Telehealth" has the same meaning as in subdivision (a) of Section 2290.5 of the Business and Professions Code, which includes audio-only telephone communication technologies.

SEC. 8.

Section 14132.722 is added to the Welfare and Institutions Code, immediately following Section 14132.721, to read:

14132.722.

(a) (1) Except as described in paragraph (2), the department shall indefinitely continue the telehealth flexibilities in place during the COVID-19 pandemic, including those implemented pursuant to Section 14132.723.

(2) (A) The department shall reimburse each federally qualified health center and rural health clinic for health care services furnished through audio-only telehealth, including telephone, at the applicable prospective payment system per-visit rate, consistent with Section 14132.721, until the earlier of January 1, 2025, or the date that the federally qualified health center or rural health clinic elects to participate in an alternative payment methodology described in subdivision (d).

(B) Notwithstanding subparagraph (A), mental health services that are excluded from the benefits provided by county mental health plans under the specialty mental health services waiver, furnished through audio-only telehealth, shall continue to be reimbursed at the applicable prospective payment system per-visit rate indefinitely,

except if the federally qualified health center or rural health clinic elects an alternative payment methodology that covers those services.

(b) (1) By January 2022, the department shall convene an advisory group that includes representatives from community health centers, designated public hospitals, Medi-Cal managed care plans, consumer groups, labor organizations, behavioral health providers, counties, health care districts formed pursuant to Chapter 1 (commencing with Section 32000) of Division 23 of the Health and Safety Code, and other Medi-Cal providers. The department shall utilize any potential federal funding or other nonstate general funding that may be available to support the implementation of this subdivision.

(2) The advisory group shall provide input to the department on the development of a revised Medi-Cal telehealth policy that promotes all of the following principles:

(A) Telehealth shall be used as a means to promote timely and patient-centered access to health care.

(B) Patients, in conjunction with their providers, shall be offered their choice of service delivery mode. Patients shall retain the right to receive health care in person.

(C) Confidentiality and security of patient information shall be protected.

(D) Usual standard of care requirements shall apply to services provided via telehealth, including quality, safety, and clinical effectiveness.

(E) The department shall consider disparities in the utilization of, and access to, telehealth, and shall support patients and providers in increasing access to the technologies needed to use telehealth.

(F) When the care provided during a telehealth visit is commensurate with what would have been provided in person, payment shall also be commensurate.

(c) (1) By July 2024, the department shall complete an evaluation to assess the benefits of telehealth in Medi-Cal. The evaluation shall analyze improved access for patients, changes in health quality outcomes and utilization, and best practices for the right mix of in-person visits and telehealth. The department shall utilize any potential federal funding or other nonstate general funding that may be available to support the implementation of this subdivision.

(2) The department shall provide data and information to the evaluator, as appropriate, and report its findings and recommendations on the evaluation to the appropriate policy and fiscal committees of the Legislature no later than October 31, 2024.

(d) (1) The department, in consultation with affected stakeholders, including, but not limited to, the California Association of Public Hospitals and Health Systems and the California Primary Care Association, shall develop one or more federally permissible alternative payment models, consistent with Section 1396a(bb)(6) of Title 42 of the

United States Code, that federally qualified health centers and rural health clinics may elect to participate in.

(2) (A) The alternative payment models shall be designed to enable the continued provision of high-quality health care, while furthering the goals of the Medi-Cal program to improve access and equity, and incentivize and support clinic infrastructure improvements.

(B) To the extent that an alternative payment model includes a separate per-visit payment rate for audio-only telehealth visits, that payment rate shall be less than the rate the federally qualified health center or rural health clinic receives for an in-person visit. This subparagraph shall not apply with respect to mental health services furnished through audio-only telehealth that are excluded from the benefits provided by county mental health plans under the specialty mental health services waiver.

(3) The department shall submit and seek federal approval of the state plan amendment necessary for the implementation of this subdivision, to be effective no later than January 1, 2025. This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and not otherwise jeopardized.

July 1, 2021

The Honorable Richard Pan
Chair, Senate Committee on Health
State Capitol, Room 2191
Sacramento, CA 95814

RE: AB 32 (Aguiar-Curry) – Telehealth - SUPPORT

Dear Senator Pan:

The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

At its April 2, 2021 meeting, the Board of Psychology (Board) adopted a **SUPPORT** position on AB 32 (Aguiar-Curry). This bill would require the State Department of Health Care Services to indefinitely continue the telehealth flexibilities in place during the COVID-19 pandemic state of emergency. The telehealth flexibilities implemented during the COVID-19 pandemic have increased access to care and we applaud these efforts.

The Board asks for your support of AB 32 (Aguiar-Curry) when it is heard in the Senate Committee on Health. If you have any questions or concerns, please feel free to contact the Board's Central Services Manager, Jason Glasspiegel, at (916) 574-7137 or Jason.glasspiegel@dca.ca.gov. Thank you.

Sincerely,



Seyron Foo
President, Board of Psychology

cc: Senator Melissa Melendez (Vice Chair)
Members of the Senate Committee on Health
Melanie Moreno, Staff Director, Senate Committee on Health
Senate Republican Caucus

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(2)(B) – SB 731 (Durazo) Criminal records: relief

Background:

This bill amends section 11105 of the Penal Code which would prohibit the Board from receiving conviction information for applicants to the Board if their conviction was granted relief pursuant to sections 1203.4, 1203.4(a), 1203.41, 1203.42, or 1203.49 of the Penal Code, so long as a period of two years has elapsed since the date the relief was granted and the applicant was not convicted of a new criminal offense.

This bill would have a large impact on the Board of Psychology's licensing and enforcement programs, and it would hinder the Board's ability to carry out its legislative mandate of consumer protection. Currently, the Board completes an enforcement review for every applicant with a criminal history, determines whether the crimes committed are substantially related to the duties of licensure. This bill would significantly diminish the Board's ability to make these determinations without access to the necessary conviction information.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to **Oppose** SB 731 (Durazo).

On 4/2/2021, the Board approved the Legislative and Regulatory Affairs Committee recommendation to **Oppose** SB 731 (Durazo).

On 5/20/2021, amendments were accepted in the Appropriations Committee. These amendments exclude serious, violent, and sex felonies from automatic relief; delay automatic relief for four years where there is a supervision violation or a new felony conviction; strike the restriction on the access to cleared records; and limit retroactivity to January 1, 2005.

On 6/23/2021, amendments were accepted in the Public Safety Committee. These amendments state that relief granted pursuant to Section 1203.41 do not release a defendant from the terms and conditions of any unexpired criminal protective orders that have been issued by the court. Protective orders shall remain in effect until expiration or until the court modifies or terminated the order.

Location: Assembly Appropriations.

Status: 9/10/2021 Read third time. Refused passage (Ayes 35. Noes 28). Motion to reconsider made by Assembly Member Ting.

Action Requested:

Since there are still concerns with the bill, no action on this bill is requested.

Attachment A: Board Letter of Opposition

Attachment B: Senate Floor Analysis

Attachment C: SB 731 (Durazo) Bill Text

August 18, 2021

The Honorable Lorena Gonzalez
Chair, Assembly Committee on Appropriations
1020 N. Street, Room 111
Sacramento, CA 95814

RE: SB 731 (Durazo) – Criminal Records: Relief

Dear Chair Gonzalez:

The Board of Psychology (Board) regrets to share our OPPOSE position on SB 731 (Durazo). This bill would significantly impair the Board's ability to access critical arrest and conviction information regarding its licensees, petitioners, and applicants, and would significantly undermine the Board's ability to carry out its mission of consumer protection.

Specifically, SB 731 (Durazo) would implement a system to prospectively and retroactively seal criminal and arrest records and would require the Department of Justice, beginning on January 1, 2022, to archive all criminal records. These archived criminal records would not be included in any state or federal summary criminal history provided by the department, except if compliance with applicable federal law requires the inclusion.

The bill would diminish the Board's ability to adequately protect the health and safety of California consumers of psychological services by removing the Board's ability to review and evaluate a current licensee's arrest and conviction information for the purposes of approving an application for licensure. Such arrest records have provided a comprehensive proof of an applicant's ability to practice without harm to the public. For example, an initial arrest record has revealed instances of domestic violence that might not have been shared with the Board previously. While these types of arrest warrants are usually dropped, some arrest reports include information regarding substance abuse or cognitive issues. We have seen arrests for possession of child pornography, indecent exposure, stalking, possession of drugs and violating a restraining order. These types of reports provide a holistic view of an applicant in the context of consumer protection and are vital to our vetting process.

Due to the bill's weakening of the consumer protections integral to the Board's enforcement processes and the bill's undermining of the Board's legislative mandate of consumer protection, the Board asks for a **"No"** vote on SB 731 (Durazo).

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,



SEYRON FOO
President, Board of Psychology

cc: Assemblyman Frank Bigelow (Vice Chair)
Assemblymember Durazo
Members of the Assembly Appropriations Committee
Jennifer Swenson, Principal Consultant, Committee on Appropriations

UNFINISHED BUSINESS

Bill No: SB 731
Author: Durazo (D) and Bradford (D), et al.
Amended: 9/2/21
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 4/13/21
AYES: Bradford, Kamlager, Skinner, Wiener
NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SENATE FLOOR: 30-7, 6/2/21
AYES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd,
Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Kamlager, Laird, Leyva,
Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern,
Umberg, Wieckowski, Wiener
NOES: Bates, Borgeas, Dahle, Grove, Jones, Ochoa Bogh, Wilk
NO VOTE RECORDED: Hurtado, Melendez, Nielsen

ASSEMBLY FLOOR: Not available

SUBJECT: Criminal records: relief

SOURCE: Californians for Safety and Justice

DIGEST: This bill permits additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.

Assembly Amendments:

- 1) Provide that relief granted by this bill does not release a defendant from unexpired criminal protective orders.

- 2) Clarify that these provisions do not limit people from seeking relief under any other provisions.
- 3) Provide that a person denied relief continues to be eligible to relief in other provisions.
- 4) Clarify that the provision stating that the order does not relieve them from an obligation to disclose the conviction to any direct question contained in an application for public office or licensure by a state or federal agency to also include applications or licensure by a federally recognized tribe.
- 5) Clarify that Department of Social Services can take action based on records that have been granted relief.
- 6) Change the effective date to July 1, 2023.
- 7) Remove California Department of Corrections and Parole from procedures related to both the petition based relief and automated relief.
- 8) Make updates based on changes to existing law made by the Budget Act.
- 9) Add double-jointing amendments.

ANALYSIS:

Existing law:

- 1) Provides that on a monthly basis the Department of Justice (DOJ) shall review the records in the statewide criminal databases and shall identify persons with records of arrest that are eligible for arrest record relief, with no requirement that the person file a motion seeking relief. A person is eligible for relief if the arrest occurred on or after January 1, 2021 and meets any of the following conditions:
 - a) The arrest was for a misdemeanor and the charge dismissed.
 - b) The arrest was for a misdemeanor and no criminal proceedings have been initiated one year from the date of the arrest.
 - c) If the arrest was for a jail felony, punishable by 8 or more years and no proceedings have been initiated 3 years after the date of the arrest, and no conviction occurred, or the arrestee was acquitted of the charges.
 - d) If the person successfully completed a specified diversion program.
- 2) Subjects the relief granted to the following conditions:

- a) It does not relieve a person of an obligation to disclose an arrest in an application for employment as a peace officer.
 - b) It does not limit the ability of a criminal justice agency to access the arrest information.
 - c) It does not limit the ability of a district attorney to prosecute for the offense if it is within the statute of limitations.
 - d) It does not impact a person's authorization to own or possess a firearm
 - e) It does not impact any prohibition on holding public office.
 - f) It does not impact licensing for foster homes and similar facilities.
 - g) It does not limit other motions for relief. (Penal Code Section 851.93)
- 3) Provides that if a person is sentenced to a jail felony, the court, in its discretion, in the interest of judgement may allow a person to withdraw their guilty plea and enter a plea of not guilty and the court shall set aside the verdict and dismiss the accusations or information against the defendant when specified conditions are met. The relief shall be not be granted unless the prosecuting attorney has been given 15 days' notice of the petition for relief. (Penal Code Section 1203.41)
- 4) Provides that commencing July 1, 2022, and subject to a Budget appropriation, on a monthly basis, the DOJ shall review records in the statewide criminal justice databases and shall identify person with convictions that meet specified criterial and are eligible for automatic conviction relief. A person is eligible for relief if they meet all of the following conditions:
- a) The person is not required to register as a Sex Offender.
 - b) The person does not have an active record for local, state, or federal supervision in the Supervised Release file.
 - c) Based on the information available, it does not appear the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.
 - d) There is no indication that the conviction resulted in a sentence of incarceration in state prison.
 - e) The conviction occurred on or after January 1, 2021 and the defendant either was sentenced to probation and appears to have completed their term of probation without revocation or, the defendant was convicted of an infraction or misdemeanor, was not granted probation, and at least one calendar year has passed since the date of judgement. (Penal Code Section 1203.425(a)(1))

- 5) Provides that automatic conviction record relief is subject to the following conditions:
- a) It does not relieve a person of the obligation to disclose a conviction when applying to be a peace officer.
 - b) It does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire for public office or for contracting with the California State Lottery Commission
 - c) It does not affect a person's authorization to own, possess, etc. a firearm.
 - d) It does not affect a prohibition from holding public office that would otherwise apply as a result of the conviction.
 - e) It does not affect the authority to receive, or take action based on, criminal history information including the authority to receive certified court records.
 - f) It does not make eligible a person otherwise ineligible to provide in-home supportive services.
 - g) It may still act as a prior for future arrests and convictions. (Penal Code Section 1203.425(a)(3))

This bill:

- 1) Makes an arrest for a felony and there is no indication that the criminal proceeding has been initiated at least 3 years after the arrest eligible for relief and amends existing law to provide that if the arrest was for a jail or prison felony with a sentence of 8 or more years shall be eligible for relief when no criminal proceedings have happened 6 years after the arrest.
- 2) Makes Penal Code Section 1203.41 apply to all felonies not just jail felonies and provides that if the defendant was on mandatory supervision, the parole officer shall notify the prosecuting attorney when a petition is filed.
- 3) Deletes the prohibition on granting relief if the person was incarcerated in the state prison.
- 4) Provides, in addition, that relief granted does not release the defendant from the terms and conditions of any unexpired criminal protective orders.
- 5) Adds an additional criteria for relief providing for relief if the conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based on the disposition date and the sentence specified in DOJ's records, appears to have completed all terms of incarceration, probation, mandatory

supervision, postrelease supervision, and parole and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction during which the person was not convicted of a new felony. This does not apply to a serious or violent felony as defined in the Penal Code or an offense for which a person must register as a sex offender.

6) Contains an effective date of July 1, 2023.

Comments

According to the author:

Nationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record.¹ The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the ‘deepest end’ of the justice system.

Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to the widespread usage of background checks in today's society, the availability of these records activate thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread lack of civic participation. These collateral consequences disproportionately affect Black and Latino communities and have become one of the leading drivers of multi-generational poverty.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- 1) One-time costs (Fingerprint Fees Account) of \$946,000 to the Department of Justice (DOJ) to update existing technological infrastructure designed to identify an expanded universe of arrest and conviction records for relief. Costs to implement the initial review of arrests and convictions occurring on or after January 1, 2021, was approximately \$3 million. This bill increases costs to DOJ for expanded review of arrests and convictions.
- 2)
- 3) Costs (General Fund (GF)) of approximately \$189,000 annually to the Department of Social Services in federal reimbursements for In-Home Supportive Services (IHSS) providers that receive relief for crimes not

considered exempt by the federal government. Additional costs, possibly in the millions of dollars annually, to DSS in Title IV-E compliances issues and subsequent loss in funding that would shift to the GF. Possible additional costs of approximately \$25 million annually because of a decline in the federal discount rate calculation.

4)

- 5) Cost pressures (Trial Court Trust Fund) in the hundreds of thousands of dollars annually for courts to hear additional felony expungement motions pursuant to Penal Code section 1203.41. One hour of court time costs approximately \$1,000. If courts are required to hear 20 additional motions for felony expungement statewide requiring an average of 12 hours of court time each, the cost to the courts would be \$240,000. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund and staff workload may create a need for increased funding for courts from the GF to perform existing duties. This is particularly true, given that courts have delayed hundreds of trials and civil motions during the COVID-19 pandemic resulting in a serious backlog that must be resolved. The Budget Act of 2021 allocates \$118.3 million from the GF to backfill continued reduction in fine and fee revenue for trial court operations and \$72 million in ongoing GF revenue for trial courts to continue addressing the backlog of cases caused by the pandemic.

SUPPORT: (Verified 9/3/21)

California for Safety and Justice (source)

A New Way of Life Re-entry Project

All of Us or None Los Angeles

All of Us or None Riverside

Alliance of Californians for Community Empowerment Action

American Civil Liberties Union/Northern California/Southern California/San Diego and Imperial Counties

Anti-Recidivism Coalition

Arts for Healing and Justice Network

Asian Americans Advancing Justice - California

Asian Solidarity Collective

Bend the Arc: Jewish Action

Black Los Angeles Young Democrats

Blameless and Forever Free Ministries

Building Opportunities for Self-Sufficiency

California Attorneys for Criminal Justice

California Calls

California Catholic Conference
California Immigrant Policy Center
California Labor Federation, AFL-CIO
California Public Defenders Association
California Religious Action Center of Reform Judaism
California State Council of Laborers
Californians Coalition for Women Prisoners
Californians United for a Responsible Budget
Cat Clark Consulting Services LLC
Center of Hope LA
Chrysalis Center
Code for America
Communities United for Restorative Youth Justice
Community Advocates for Just and Moral Governance
Community Legal Services in East Palo Alto
Community Works
County of Los Angeles Board of Supervisors
Courage California
Cure California
Defy Ventures
Dignity and Power Now
Drug Policy Alliance
Ella Baker Center for Human Right
Faith in Action Bay Area
Faith in Action East Bay
Family Reunification Equity & Empowerment
Felony Murder Elimination Project
Forward Impact DbA Represent Justice
Fresno Barrios Unidos
Friends Committee on Legislation of California
Homeboy Industries
Initiate Justice
Inland Empire Fair Chance Coalition
Inland Equity Partnership
Kehilla Community Synagogue
LA Voice
Last Prisoner Project
Law Enforcement Action Partnership
Legal Aid At Work
Legal Services for Prisoners With Children

Livefree California
Los Angeles Regional Reentry Partnership
Michelson Center for Public Policy
National Association of Social Workers, California Chapter
People Objective LLC
Phenomenal Angels of the Community
Pico California
Pillars of the Community
Re:store Justice
Riverside Community College District
Root & Rebound
Rubicon Programs
San Bernardino Free Them All
San Francisco Public Defender
Santa Cruz Barrios Unidos Inc.
Shields for Families
Showing Up for Racial Justice Bay Area
Showing Up for Racial Justice San Diego
Showing Up for Racial Justice North County
Showing Up for Racial Justice San Diego
Showing Up for Racial Justice, Bay Area
Smart Justice California
Social & Environmental Justice Committee of the Universalist Unitarian Church of
Riverside
Social Justice Research Partnership
Starting Over, Inc.
Team Justice
The Dream Corps
The Experience Christian Ministries
The Reverence Project
Think Dignity
Time for Change Foundation
Timelist Group
Transitions Clinic Network
Uncommon Law
Underground Grit
Underground Scholars Initiative at UC Riverside
Underground Scholars Initiative Berkeley
Underground Scholars Initiative, University of California Davis
Unite-la, Inc.

We the People - San Diego
Young Women's Freedom Center

OPPOSITION: (Verified 9/3/21)

Alliance for Constitutional Sex Offense Laws
California Association of Licensed Investigators
California Board of Psychology
California District Attorneys Association
California Statewide Law Enforcement Association
Dental Hygiene Board of California
Peace Officers Research Association of California
Physician Assistant Board
Veterinary Medical Board
Individual

ARGUMENTS IN SUPPORT: Californians for Safety and Justice, the sponsor of this bill, states:

Nationally, an estimated 70 million people—nearly one in three adults, and 8 million people in California alone— have a past arrest or conviction on their record. California maintains an individual’s criminal records until that person reaches 100 years of age. As a result of the widespread usage of background checks in today's society, the permanence of these records present thousands of barriers resulting in widespread constraints on civic participation.

Examples of these barriers are felt by families seeking to live outside of impoverished areas, individuals that want careers in education or healthcare, others who want to coach, homeowners that want to joint heir HOA board, couples that want to adopt, or grandchildren that want to care for their elderly grandparent. Old criminal records go beyond economics and into denial of human decency, family responsibility, and basic citizenship.

Lack of access to employment and housing are primary factors driving recidivism, criminal records are serious barriers to successful reentry and come at a cost of \$20 billion annually to California’s economy. Nationally, it has been estimated that the U.S. loses roughly \$372.3 billion per year in terms of gross domestic product due to employment losses among people living with convictions.

SB 731 proposes a structured, automated approach to sunseting criminal records. Automated sealing of all arrest records that do not result in conviction, and phased relief for convictions records, expand record sealing to all sentences following completion of terms of incarceration, post-release supervision, and an additional period of time - provided the person has completed their sentence without any new felony convictions and has no new charges pending. For the reasons listed above, Californians for Safety and Justice is proud to co-sponsor SB 731.

ARGUMENTS IN OPPOSITION: Peace Officers Research Association of California opposes this bill stating:

Current law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence. Current law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified. This bill would make this relief available to a defendant who has been convicted of any felony.

PORAC believes that by expanding the relief of penalties for all felonies, we are placing our communities at risk. Oftentimes, felony crimes are violent and leave behind innocent victims whose lives will never be the same. By allowing violent criminals back on the street, with their record dismissed, they will have less deterrent to commit another crime. Thus, leaving more victims in their wake. If the author is willing to amend the bill to exclude violent criminals, we would be inclined to remove our opposition.

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Prepared by: Mary Kennedy / PUB. S. /
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**** END ****

SB-731 Criminal records: relief

SECTION 1.

Section 851.93 of the Penal Code is amended to read:

851.93.

(a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet the criteria set forth in paragraph (2) and are eligible for arrest record relief.

(2) A person is eligible for relief pursuant to this section, if the arrest occurred on or after January 1, 1973, and meets any of the following conditions:

(A) The arrest was for a misdemeanor offense and the charge was dismissed.

(B) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.

(C) The arrest was for an offense that is punishable by imprisonment pursuant to paragraph (1) or (2) of subdivision (h) of Section 1170, there is no indication that criminal proceedings have been initiated, at least three calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(D) The person successfully completed any of the following, relating to that arrest:

(i) A prefiling diversion program, as defined in Section 851.87, administered by a prosecuting attorney in lieu of filing an accusatory pleading.

(ii) A drug diversion program administered by a superior court pursuant to Section 1000.5, or a deferred entry of judgment program pursuant to Section 1000 or 1000.8.

(iii) A pretrial diversion program, pursuant to Section 1000.4.

(iv) A diversion program, pursuant to Section 1001.9.

(v) A diversion program described in Chapter 2.8 (commencing with Section 1001.20), Chapter 2.8A (commencing with Section 1001.35), Chapter 2.81 (commencing with Section 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A (commencing with Section 1001.60), Chapter 2.9B (commencing with Section 1001.70), Chapter 2.9C (commencing with Section 1001.80), Chapter 2.9D (commencing with Section 1001.81), or Chapter 2.92 (commencing with Section 1001.85), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, and this section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning an arrest that is granted relief pursuant to this section to any person or entity, in any format, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to the following conditions:

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(3) This section does not limit the ability of a district attorney to prosecute, within the applicable statute of limitations, an offense for which arrest relief has been granted pursuant to this section.

(4) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(5) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(6) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(e) This section does not limit petitions, motions, or orders for arrest record relief, as required or authorized by any other law, including, but not limited to, Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.

(f) The department shall annually publish statistics for each county regarding the total number of arrests granted relief pursuant to this section and the percentage of arrests for which the state summary criminal history information does not include a disposition, on the OpenJustice Web portal, as defined in Section 13010.

(g) This section shall be operative commencing July 1, 2022, subject to an appropriation in the annual Budget Act.

(h) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 2.

Section 851.93 is added to the Penal Code, to read:

851.93.

(a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet the criteria set forth in paragraph (2) and are eligible for arrest record relief.

(2) A person is eligible for relief pursuant to this section, if the arrest occurred on or after January 1, 1973, and meets any of the following conditions:

(A) The arrest was for a misdemeanor offense and the charge was dismissed.

(B) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.

(C) (i) The arrest was for a felony offense not described in clause (ii), there is no indication that criminal proceedings have been initiated, at least three calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(ii) If the arrest was for an offense punishable by imprisonment in the state prison for eight years or more or by imprisonment pursuant to subdivision (h) of Section 1170 for eight years or more, there is no indication that criminal proceedings have been initiated, at least six years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(D) The person successfully completed any of the following, relating to that arrest:

(i) A prefiling diversion program, as defined in subdivision (d) of Section 851.87, administered by a prosecuting attorney in lieu of filing an accusatory pleading.

(ii) A drug diversion program administered by a superior court pursuant to Section 1000.5, or a deferred entry of judgment program pursuant to Section 1000 or 1000.8.

(iii) A pretrial diversion program, pursuant to Section 1000.4.

(iv) A diversion program, pursuant to Section 1001.9.

(v) A diversion program described in Chapter 2.8 (commencing with Section 1001.20), Chapter 2.8A (commencing with Section 1001.35), Chapter 2.81 (commencing with Section 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A (commencing with Section 1001.60), Chapter 2.9B (commencing with Section 1001.70), Chapter 2.9C (commencing with Section 1001.80), Chapter 2.9D (commencing with Section 1001.81), or Chapter 2.92 (commencing with Section 1001.85), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, and this section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning an arrest that is granted relief pursuant to this section to any person or entity, in any format, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to all of the following conditions:

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(3) This section does not limit the ability of a district attorney to prosecute, within the applicable statute of limitations, an offense for which arrest relief has been granted pursuant to this section.

(4) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(5) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(6) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(e) This section does not limit petitions, motions, or orders for arrest record relief, as required or authorized by any other law, including, but not limited to, Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.

(f) The department shall annually publish on the OpenJustice Web portal, as described under Section 13010, statistics for each county regarding the total number of arrests granted relief pursuant to this section and the percentage of arrests for which the state summary criminal history information does not include a disposition.

(g) This section shall be operative commencing July 1, 2023, subject to an appropriation in the annual Budget Act.

SEC. 3.

Section 1203.41 of the Penal Code is amended to read:

1203.41.

(a) If a defendant is ~~sentenced pursuant to paragraph (5) of subdivision (h) of Section 1170,~~ *convicted of a felony*, the court, in its discretion and in the interests of justice, may order the following relief, subject to the conditions of subdivision (b):

(1) The court may permit the defendant to withdraw ~~his or her~~ *their* plea of guilty or plea of nolo contendere and enter a plea of not guilty, or, if ~~he or she~~ *the defendant* has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty, and, in either case, the court shall ~~thereupon~~ dismiss the accusations or information against the defendant and ~~he or she~~ *the defendant* shall thereafter be released from all penalties and disabilities resulting from the offense of which ~~he or she~~ *has* ~~they have~~ been convicted, except as provided in Section 13555 of the Vehicle Code.

(2) The relief available under this section may be granted only after the lapse of one year following the defendant's completion of the sentence, if the sentence was imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, or after the lapse of two years following the defendant's completion of the sentence, if the sentence was imposed pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section ~~1170.~~ *1170 or if the defendant was sentenced to the state prison.*

(3) The relief available under this section may be granted only if the defendant is not *on parole or* under supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, and is not serving a sentence for, on probation for, or charged with the commission of any offense.

(4) The defendant shall be informed, either orally or in writing, of the provisions of this section and of ~~his or her~~ *their* right, if any, to petition for a certificate of rehabilitation and pardon at the time ~~he or she is~~ *they are* sentenced.

(5) The defendant may make the application and change of plea in person or by attorney, or by a probation officer authorized in writing.

(b) Relief granted pursuant to subdivision (a) is subject to *all of* the following conditions:

(1) In any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the accusation or information had not been dismissed.

(2) The order shall state, and the defendant shall be informed, that the order does not relieve ~~him or her~~ *them* of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local ~~agency, or~~ *agency or by a federally recognized tribe, or* for contracting with the California State Lottery Commission.

(3) Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in ~~his or her~~ *their* custody or control any firearm or prevent ~~his or her~~ *their* conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(4) Dismissal of an accusation or information underlying a conviction pursuant to this section does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

(c) This section applies to any conviction specified in subdivision (a) that occurred before, on, or after January 1, ~~2014.~~ *2021.*

(d) A person who petitions for a change of plea or setting aside of a verdict under this section may be required to reimburse the court for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the court not to exceed one hundred fifty dollars (\$150), and to reimburse the county for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the county board of supervisors not to exceed one hundred fifty dollars (\$150), and to reimburse any city for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the city council not to exceed one hundred fifty dollars (\$150). Ability to make this reimbursement shall be determined by the court using the standards set forth in paragraph (2) of subdivision (g) of Section 987.8 and shall not be a prerequisite to a person's eligibility under this section. The court may order reimbursement in any case in

which the petitioner appears to have the ability to pay, without undue hardship, all or any portion of the costs for services established pursuant to this subdivision.

(e) (1) Relief shall not be granted under this section unless the prosecuting attorney has been given 15 days' notice of the petition for relief. The probation officer shall notify the prosecuting attorney when a petition is filed, pursuant to this section.

(2) It shall be presumed that the prosecuting attorney has received notice if proof of service is filed with the court.

(f) If, after receiving notice pursuant to subdivision (e), the prosecuting attorney fails to appear and object to a petition for dismissal, the prosecuting attorney ~~may~~ *shall* not move to set aside or otherwise appeal the grant of that petition.

(g) Relief granted pursuant to this section does not release the defendant from the terms and conditions of any unexpired criminal protective orders that have been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(h) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections. Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

SEC. 4.

Section 1203.425 of the Penal Code is amended to read:

1203.425.

(a) (1) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) Except as otherwise provided in subclause (III) of clause (v), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(v) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(I) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(II) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) ~~(A)~~ -Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

~~(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring~~

~~court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.~~

~~(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.~~

~~(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.~~

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

~~(G) Relief granted pursuant to this section does not release a person from the terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying conviction.~~

~~(H)~~ (G) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

~~(H)~~ (H) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

~~(I)~~ (I) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. ~~If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.~~

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local

summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section. ~~If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.~~

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section. ~~If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.~~

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

(d) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 4.1.

Section 1203.425 of the Penal Code is amended to read:

1203.425.

(a) (1) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) Except as otherwise provided in subclause (III) of clause (v), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(v) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(I) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(II) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.

(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.

(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

~~(G) Relief granted pursuant to this section does not release a person from the terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying conviction.~~

~~(H)~~ (G) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

~~(H)~~ (H) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

~~(J)~~ (I) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a

petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the

applicable section, and the department shall grant relief pursuant to that section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

(d) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 4.2.

Section 1203.425 of the Penal Code is amended to read:

1203.425.

(a) (1) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) Except as otherwise provided in subclause (III) of clause (v), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(v) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(I) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(II) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) ~~(A)~~ -Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

~~(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.~~

~~(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.~~

~~(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.~~

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not release a person from the terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying conviction.

(H) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(I) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(J) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. ~~If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.~~

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section. ~~If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.~~

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section. ~~If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.~~

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

(d) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 4.3.

Section 1203.425 of the Penal Code is amended to read:

1203.425.

(a) (1) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) Except as otherwise provided in subclause (III) of clause (v), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(v) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(I) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(II) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.

(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from

the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.

(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not release a person from the terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by

the court modifying or terminating the order, despite the dismissal of the underlying conviction.

(H) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(I) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(J) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In

determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

(d) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 5.

Section 1203.425 is added to the Penal Code, to read:

1203.425.

(a) (1) (A) Commencing July 1, 2023, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in

the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) The conviction meets either of the following criteria:

(I) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(ia) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(ib) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(II) The conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based upon the disposition date and the sentence specified in the department's records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction and during which the defendant was not convicted of a new felony offense. This subclause does not apply to a conviction of a serious felony defined in subdivision (c) of Section 1192.7, a violent felony as defined in Section 667.5, or a felony offense requiring registration pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief

granted,” listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person’s authorization to own, possess, or have in the person’s custody or control a firearm, or the person’s susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(H) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(I) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(J) Relief granted pursuant to this section does not release the defendant from the terms and conditions of any unexpired criminal protective orders that have been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall not limit petitions for a certificate of rehabilitation or pardon pursuant to Chapter 3.5 of Title 6 of Part 3.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local

summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

SEC. 5.1.

Section 1203.425 is added to the Penal Code, to read:

1203.425.

(a) (1) (A) Commencing July 1, 2023, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify

persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) The conviction meets either of the following criteria:

(I) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(ia) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(ib) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(II) The conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based upon the disposition date and the sentence specified in the department's records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction and during which the defendant was not convicted of a new felony offense. This subclause does not apply to a conviction of a serious felony defined in subdivision (c) of Section 1192.7, a violent felony as defined in Section 667.5, or a felony offense requiring registration pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.

(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.

(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(H) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(I) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(J) Relief granted pursuant to this section does not release the defendant from the terms and conditions of any unexpired criminal protective orders that have been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall not limit petitions for a certificate of rehabilitation or pardon pursuant to Chapter 3.5 of Title 6 of Part 3.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief

pursuant to this section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

SEC. 6.

(a) Section 4.1 of this bill incorporates amendments to Section 1203.425 of the Penal Code proposed by both this bill and Assembly Bill 898. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 1203.425 of the Penal Code, and (3) Assembly Bill 1281 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 898, in which case Sections 4, 4.2, and 4.3 of this bill shall not become operative.

(b) Section 4.2 of this bill incorporates amendments to Section 1203.425 of the Penal Code proposed by both this bill and Assembly Bill 1281. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 1203.425 of the Penal Code, (3) Assembly Bill 898 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1281 in which case Sections 4, 4.1, and 4.3 of this bill shall not become operative.

(c) Section 4.3 of this bill incorporates amendments to Section 1203.425 of the Penal Code proposed by this bill, Assembly Bill 898, and Assembly Bill 1281. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2022, (2) all three bills amend Section 1203.425 of the Penal Code, and (3) this bill is enacted after Assembly Bill 898 and Assembly Bill 1281, in which case Sections 4, 4.1, and 4.2 of this bill shall not become operative.

SEC. 7.

(a) Section 5.1 of this bill incorporates amendments to Section 1203.425 of the Penal Code proposed by this bill and Assembly Bill 898. That section of this bill shall become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 1203.425 of the Penal Code, and (3) Assembly Bill 1281 is not enacted or as enacted does not amend that section, and (4) this bill is

enacted after Assembly Bill 898, in which case Section 5 of this bill shall not become operative and subdivision (b) of this section shall not apply.

(b) Section 5.1 of this bill incorporates amendments to Section 1203.425 of the Penal Code proposed by this bill, Assembly Bill 898, and Assembly Bill 1281. That section of this bill shall become operative if (1) all three bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 1203.425 of the Penal Code, and (3) this bill is enacted after Assembly Bill 898 and Assembly Bill 1281, in which case Section 5 of this bill shall not become operative and subdivision (a) of this section shall not apply.

SB 772 (Ochoa Bogh) - Professions and vocations: citations: minor violations.

SECTION 1.

Section 125.9 of the Business and Professions Code is amended to read:

125.9.

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission.

Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

(f) A licensee shall not be assessed an administrative fine for a violation of the applicable licensing act or any regulation adopted pursuant to the act if the violation is a minor violation. A violation shall be considered minor if all of the following conditions are satisfied:

(1) The violation did not pose a serious health or safety threat.

(2) There is no evidence that the violation was willful.

(3) The licensee was not on probation at the time of the violation.

(4) The licensee does not have a history of committing the violation.

(5) The licensee corrects the violation within 30 days from the date notice of the violation is sent to the licensee.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(2)(C) – SB 772 (Ochoa Bogh): Professions and vocations: citations: minor violations.

Background:

This bill would prohibit the assessment of an administrative fine for a minor violation and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

On 3/19/2021, the Legislative and Regulatory Affairs Committee voted to recommend the Board take an **Oppose Unless Amended** position on SB 772 (Ochoa Bogh).

On 4/2/2021, the Board voted to adopt the **Oppose Unless Amended** recommendation made by the Legislative and Regulatory Affairs Committee.

On 2/2/2022, this bill was returned to the Secretary of the Senate as the bill failed to pass out of the house of origin by January 31, 2022.

Location: Dead

Status: 2/22/2022 Returned to Secretary of Senate pursuant to Joint Rule 56.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: SB 772 (Ochoa Bogh) Bill Text

SB 772 (Ochoa Bogh) - Professions and vocations: citations: minor violations.

SECTION 1.

Section 125.9 of the Business and Professions Code is amended to read:

125.9.

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission.

Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

(f) A licensee shall not be assessed an administrative fine for a violation of the applicable licensing act or any regulation adopted pursuant to the act if the violation is a minor violation. A violation shall be considered minor if all of the following conditions are satisfied:

(1) The violation did not pose a serious health or safety threat.

(2) There is no evidence that the violation was willful.

(3) The licensee was not on probation at the time of the violation.

(4) The licensee does not have a history of committing the violation.

(5) The licensee corrects the violation within 30 days from the date notice of the violation is sent to the licensee.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(A) – AB 29 (Cooper): State bodies – meetings.

Background:

This bill would expand the Bagley-Keene Open Meeting Act requirements to include all writings or materials provided for the noticed meeting be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier.

Location: Assembly

Status: 1/31/2022 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 29 (Cooper) Bill Text

SECTION 1.

Section 11125 of the Government Code is amended to read:

11125.

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the ~~Internet~~ *state body's internet website* at least 10 days in advance of the ~~meeting, meeting~~ and shall include the name, address, and telephone number of any person who can provide further information ~~prior to~~ *before* the ~~meeting, meeting~~ but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the ~~Internet site~~ *internet website* where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) (1) A notice provided pursuant to subdivision (a) shall include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting.

(2) The writings or materials described in paragraph (1) shall be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier.

(3) A state body may not distribute or discuss writings or materials described in paragraph (1), or take action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with this subdivision.

~~(c)~~ *(d)* Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided

that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

~~(d)~~ (e) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

~~(e)~~ (f) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

~~(f)~~ (g) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(B) – AB 54 (Kiley): COVID-19 emergency order violation: license revocation.

Background:

This bill would prohibit boards under the Department of Consumer Affairs (DCA), and the Department of Alcoholic Beverage Control, from revoking a license for failure to comply with any COVID-19 emergency orders unless the board or department can prove that a lack of compliance resulted in transmission of COVID-19.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 54 (Kiley).

On 4/2/2021, the Board approved the Legislative and Regulatory Affairs Committee recommendation to watch AB 54 (Kiley).

On 4/5/2021, this bill was amended to exempt healing arts boards.

On 2/1/2022, this bill failed to pass out of the house of origin, and has died.

Location: Committee on Business and Professions

Status: 2/1/2022 From committee: Without further action pursuant to Joint Rule 62(a).

Action Requested:

This is for informational purposes only. No action is requested as this time.

Attachment A: AB 54 (Kiley) Bill Text

AB 54 (Kiley) - COVID-19 emergency order violation: license revocation.

SECTION 1.

Section 464.5 is added to the Business and Professions Code, to read:

464.5.

(a) The department and any board shall not revoke a license for failure to comply with any COVID-19 emergency orders, unless the department or board can prove that lack of compliance resulted in the transmission of COVID-19.

(b) This section shall not apply to any board or licensee within Division 2 (commencing with Section 500).

SEC. 2.

Section 24200.8 is added to the Business and Professions Code, to read:

24200.8.

The Department of Alcoholic Beverage Control shall not revoke the license of any licensee for failure to comply with any COVID-19 emergency orders unless the department can prove that lack of compliance resulted in transmission of COVID-19.

SEC. 3.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect businesses, including small businesses, which continue to make significant contributions to economic security, which helps ensure public safety, during these unprecedented times caused by the COVID-19 pandemic, as soon as possible, it is necessary for this act to take effect immediately

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(a)(3)(C) – AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Background:

Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require the temporary licenses described above to expire 30 months after issuance. The bill would require boards not responsible for the licensure and regulation of healing arts licensees and not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license.

The bill would authorize the immediate termination of a license issued pursuant to these provisions upon a finding that the license holder failed to meet specified requirements or provided substantively inaccurate information that would affect the person's eligibility for licensure, as provided.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 225 (Gray).

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 225 (Gray).

Location: Senate

Status: 6/30/2021 In committee: Hearing postponed by committee.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 225 (Gray) Bill Text

AB 225 (Gray) - Department of Consumer Affairs: boards: veterans: military spouses: licenses.

SECTION 1.

Section 115.6 of the Business and Professions Code is amended to read:

115.6.

(a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if the applicant meets the requirements set forth in subdivision (c):

- (1) Registered nurse license by the Board of Registered Nursing.
- (2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (6) Veterinarian license issued by the Veterinary Medical Board.
- (7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
- (8) All licenses issued by the Medical Board of California.
- (9) All licenses issued by the Podiatric Medical Board of California.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is one of the following:

~~(1) (A) The applicant shall supply evidence satisfactory to the board that the applicant is married~~ *Married* to, or in a domestic partnership or other legal union with, an active

duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(B) A veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions.

(C) A veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service.

(D) An active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(d) A board may adopt regulations necessary to administer this section.

(e) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(f) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist,

certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of ~~an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board,~~ *a standard license, a license by endorsement, or an expedited license pursuant to Section 115.5,* whichever occurs first.

~~(h) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.~~

SEC. 2.

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

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(D) – AB 339 (Lee): Local government: open and public meetings

Background:

This bill requires the following: all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option; all open and public meetings include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency; all open and public meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option.

On 10/7/2021, this bill was Vetoed by Governor Newsom. He provided the following message:

To the Members of the California State Assembly:

I am returning Assembly Bill 339 without my signature.

This bill requires, until December 31, 2023, that city councils and boards of supervisors in jurisdictions with over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings.

While I appreciate the author's intent to increase transparency and public participation in certain local government meetings, this bill would set a precedent of tying public access requirements to the population of jurisdictions. This patchwork approach may lead to public confusion. Further, AB 339 limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings.

Additionally, this bill requires in-person participation during a declared state of emergency unless there is a law prohibiting in-person meetings in those situations. This could put the health and safety of the public and employees at risk depending on the nature of the declared emergency.

I recently signed urgency legislation that provides the authority and procedures for local entities to meet remotely during a declared state of emergency. I remain open to

revisions to the Brown Act to modernize and increase public access, while protecting public health and safety. Unfortunately, the approach in this bill may have unintended consequences.

Sincerely,

Gavin Newsom

Location: Not applicable

Status: 10/7/2021 Vetoed by Governor

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 339 (Lee) Bill Text

AB-339 Local government: open and public meetings

SECTION 1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local ~~agency,~~ *agency in person*, except as otherwise provided in this chapter. *Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.*

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all ~~otherwise applicable~~ requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in ~~subdivisions (d) and (e).~~ *subdivision (d)*. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

~~(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:~~

~~(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.~~

~~(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.~~

~~(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.~~

~~(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:~~

~~(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.~~

~~(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.~~

~~(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.~~

~~(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.~~

~~(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.~~

~~(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be~~

~~required to register as required by the third-party internet website or online platform to participate.~~

~~(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.~~

~~(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.~~

~~(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.~~

~~(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:~~

~~(A) The legislative body has reconsidered the circumstances of the state of emergency.~~

~~(B) Any of the following circumstances exist:~~

~~(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.~~

~~(ii) State or local officials continue to impose or recommend measures to promote social distancing.~~

~~(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).~~

~~(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.~~

SEC. 1.1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local ~~agency~~, *agency in person*, except as otherwise provided in this chapter. *Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.*

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act

(Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph ~~(B)~~, (B) that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 1.2.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the

territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 2.

Section 54953.9 is added to the Government Code, to read:

54953.9.

(a) A city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people shall comply with the following requirements:

(1) (A) All open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic option or a two-way internet-based service option.

(B) If a city council or a county board of supervisors elects to provide a two-way internet-based service option, the local agency shall publicly post and provide a call-in option, and activate any automatic captioning function during the meeting if an automatic captioning function is included with the system.

(2) (A) If a city council or county board of supervisors has, as of June 15, 2021, provided video streaming of at least one open and public meeting, the city council or county board of supervisors shall continue to provide that video streaming.

(B) "Video streaming" means media in which the data from a live filming or a video file is continuously delivered via the internet to a remote user, allowing a video to be viewed online by the public without being downloaded on a host computer or device.

(3) (A) Unless there are any laws that prohibit in-person government meetings in the case of a declared state of emergency, including a public health emergency, all open and public meetings shall include an in-person public comment opportunity, wherein members of the public can report to a designated site to give public comment in person. The location of the designated site and any relevant instructions on in-person commenting shall be included with the public posting of the agenda.

(B) All open and public meetings shall provide the public with an opportunity to comment on proposed legislation via a two-way telephonic or internet-based service option, and ensure the opportunity for the members of the public participating via a two-way telephonic or internet-based option to comment on agenda items with the same time allotment as a person attending a meeting in person.

(b) This section shall remain in effect only until December 31, 2023, and as of that date is repealed.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result either from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, or because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4.

The Legislature finds and declares that Sections 1 and 2 of this act, which amends Section 54953 of, and adds Section 54953.9 to, the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

The provisions of the act allow for greater public access through requiring specified entities to provide a telephonic or internet-based service option and instructions on how to access these options to the public for specified meetings.

SEC. 5.

The Legislature finds and declares that improving accessibility to open and public meetings of local legislative bodies is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act adding Section 54953.9 to the Government Code applies to all cities and counties, including charter cities and counties.

SEC. 6.

Sections 1.1 and 1.2 of this bill incorporates amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 361. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 361, in which case Section 54953 of the Government Code, as amended by Assembly Bill 361, shall remain operative only until the operative date of this bill, at which time Sections 1.1 and 1.2 of this bill shall become operative, and Section 1 of this bill shall not become operative.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(E) – AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services.

Background:

This bill would require the director of the Department of Consumer Affairs to establish a mental health resiliency program, to provide mental health services to licensed health care providers who provide or have provided healthcare services to COVID-19 patients. The bill would require the relevant healing arts boards to notify licensees and solicit applications for access to the mental health resiliency program immediately upon the availability of services. The bill would require an applicant to make an attestation that states, among other things, that the applicant is an eligible licensee, as defined. The bill would make an applicant who willfully makes a false statement in their attestation guilty of a misdemeanor.

The bill would exempt the records associated with the mental health resiliency program from disclosure pursuant to the California Public Records Act.

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 562 (Low).

On 4/8/2021, this bill was amended to, among other things, define "board" as the Board of Registered Nursing, the Medical Board of California, the Osteopathic Medical Board of California, the Physician Assistant Board, and the Respiratory Care Board; define "eligible licensee" as a person licensed as a healing arts provider who is or was also a frontline health care COVID-19 provider; and define "frontline COVID-19 health care provider" as a person who provides or has provided consistent in-person health care services to patients with COVID-19.

On 7/8/2021, staff contacted the author's office to ask whether they would consider adding the Board of Psychology. The author's office indicated that they are open to adding additional boards such as the Board of Behavioral Sciences and Board of Psychology. They are waiting for an opportunity to amend the bill. Staff will maintain communications with the author's office and assist as needed.

Location: Senate Appropriations

Status: 8/26/2021 In committee: Held under submission.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 562 (Low) Bill Text

AB 562 (Low) - Frontline COVID-19 Provider Mental Health Resiliency Act of 2021:
health care providers: mental health services.

SECTION 1.

Chapter 1.7 (commencing with Section 950) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 1.7. Frontline COVID-19 Provider Mental Health Resiliency Act of 2021

950.

This chapter shall be known, and may be cited, as the Frontline COVID-19 Provider Mental Health Resiliency Act of 2021.

951.

(a) The Legislature finds and declares the following:

(1) Since the start of the pandemic, California's frontline health care workers have been caring for COVID-19 patients through multiple surges, which included a record-shattering death toll in December 2020.

(2) Nurses, physicians and surgeons, and other frontline health care providers are suffering from burnout and have been experiencing, or are at high risk of, a variety of mental health conditions, including depression, anxiety, post-traumatic stress disorder, and suicidal thoughts.

(3) As the result of prolonged stress and repeated trauma, frontline health care providers may continue to endure the negative effects of the pandemic long after it ends.

(4) To bolster the resiliency of the health care workforce through the COVID-19 pandemic and beyond, it is imperative that additional mental health services are made immediately available.

(b) It is the intent of the Legislature that the Department of Consumer Affairs, through the relevant boards, immediately establish a mental health resiliency program for frontline health care providers who have provided direct and in-person care to COVID-19 patients during the pandemic.

952.

For the purposes of this chapter, the following definitions apply:

(a) "Board" means the following:

- (1) The Board of Registered Nursing.*
- (2) The Medical Board of California.*
- (3) The Osteopathic Medical Board of California.*
- (4) The Physician Assistant Board.*
- (5) The Respiratory Care Board of California.*
- (b) "Eligible licensee" means a person licensed pursuant to this division who is or was also a frontline health care COVID-19 provider.*
- (c) "Frontline COVID-19 health care provider" means a person who provides or has provided consistent in-person health care services to patients with COVID-19.*
- (d) "Mental health services" means targeted in-person, online, and telehealth psychological distress and behavioral health assessments and interventions, professional or self-administered, to support mental and behavioral health needs resulting from the COVID-19 pandemic. Interventions include counseling, wellness coaching, and any other mental health treatment to improve the psychological and behavioral health of the eligible licensee.*
- (e) "Vendor of mental health services" means a third-party vendor that provides mental health services, assessments, or interventions.*

953.

- (a) (1) Within three months of the effective date of this section, the director shall, in consultation with the relevant boards, establish a mental health resiliency program to provide mental health services to frontline COVID-19 providers.*
- (2) The director shall contract with one or more vendors of mental health services for the duration of the program. The director may in addition contract or partner with vendors or agencies that offer services that are publicly available and free of charge.*
- (3) The director, or the director's designee, shall supervise all vendors, shall monitor vendor utilization rates, and may terminate any contract. If the vendor's contract is terminated, the director shall contract with a replacement vendor as soon as practicable.*
- (4) The contract shall specify that all personal or identifiable program participant data shall be kept confidential, and that the confidentiality obligations shall survive the termination of the contract.*
- (5) The development of the mental health resiliency program under this section shall be exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).*

(b) (1) The relevant boards shall notify licensees and solicit applications for access to the mental health resiliency program immediately upon the availability of any services contracted for.

(2) An applicant to the program shall make an attestation that states all of the following:

(A) The applicant is an eligible licensee, as defined under subdivision (a) of Section 952.

(B) The location and type of the facility or facilities the applicant worked as a frontline COVID-19 provider.

(C) The applicant's assigned unit or units at the facility or facilities.

(3) An applicant shall be deemed an eligible licensee if the attestation is complete and any facility and unit listed would provide care to COVID-19 patients.

(4) An applicant who willfully makes a false statement in their attestation is guilty of a misdemeanor.

(5) The relevant boards shall grant all eligible licensees access to the program.

(6) The relevant boards shall include in the application a voluntary survey of race or ethnicity and gender identity.

(c) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

954.

No later than June 30, 2025, the department and relevant boards shall report to the relevant policy committees of the Legislature the following information regarding the mental health resiliency program:

(a) A description of the contracted vendors, services provided, and contract dates.

(b) The deidentified aggregate number of applicants and eligible licensees and a monthly breakdown.

(c) The deidentified and aggregate number of eligible licensees by location, race, ethnicity, and gender identity.

(d) Utilization rates from the vendors.

(e) The costs associated with the program.

955.

(a) Except as specified under Section 954, records associated with the mental health resiliency program are exempt from disclosure pursuant to the California Public Records

Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(b) Application to or participation in the mental health resiliency program shall not be used for purposes of disciplinary action and, except as specified under Section 954, shall be kept confidential.

SEC. 2.

Section 6276.30 of the Government Code is amended to read:

6276.30.

Managed care health plans, confidentiality of proprietary information, Section 14091.3 of the Welfare and Institutions Code.

Managed Risk Medical Insurance Board, negotiations with entities contracting or seeking to contract with the board, subdivisions (v) and (y) of Section 6254.

Mandated blood testing and confidentiality to protect public health, prohibition against compelling identification of test subjects, Section 120975 of the Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, unauthorized disclosures of identification of test subjects, Sections 1603.1, 1603.3, and 121022 of the Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, disclosure to patient's spouse, sexual partner, needle sharer, or county health officer, Section 121015 of the Health and Safety Code.

Manufactured home, mobilehome, floating home, confidentiality of home address of registered owner, Section 18081 of the Health and Safety Code.

Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986, and 987 of the Evidence Code.

Market reports, confidential, subdivision (e) of Section 6254.

Marketing of commodities, confidentiality of financial information, Section 58781 of the Food and Agricultural Code.

Marketing orders, confidentiality of processors' or distributors' information, Section 59202 of the Food and Agricultural Code.

Marriage, confidential, certificate, Section 511 of the Family Code.

Medi-Cal Benefits Program, confidentiality of information, Section 14100.2 of the Welfare and Institutions Code.

Medi-Cal Benefits Program, Request of Department for Records of Information, Section 14124.89 of the Welfare and Institutions Code.

Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528.

Medi-Cal managed care program, exemption from disclosure for financial and utilization data submitted by Medi-Cal managed care health plans to establish rates, Section 14301.1 of the Welfare and Institutions Code.

Medi-Cal program, exemption from disclosure for best price contracts between the State Department of Health Care Services and drug manufacturers, Section 14105.33 of the Welfare and Institutions Code.

Medical information, disclosure by provider unless prohibited by patient in writing, Section 56.16 of the Civil Code.

Medical information, types of information not subject to patient prohibition of disclosure, Section 56.30 of the Civil Code.

Medical and other hospital committees and peer review bodies, confidentiality of records, Section 1157 of the Evidence Code.

Medical or dental licensee, action for revocation or suspension due to illness, report, confidentiality of, Section 828 of the Business and Professions Code.

Medical or dental licensee, disciplinary action, denial or termination of staff privileges, report, confidentiality of, Sections 805, 805.1, and 805.5 of the Business and Professions Code.

Meetings of state agencies, disclosure of agenda, Section 11125.1.

Mental health resiliency program, records, Section 955 of the Business and Professions Code.

Mentally abnormal sex offender committed to state hospital, confidentiality of records, Section 4135 of the Welfare and Institutions Code.

Mentally disordered and developmentally disabled offenders, access to criminal histories of, Section 1620 of the Penal Code.

Mentally disordered persons, court-ordered evaluation, confidentiality of reports, Section 5202 of the Welfare and Institutions Code.

Mentally disordered or mentally ill person, confidentiality of written consent to detainment, Section 5326.4 of the Welfare and Institutions Code.

Mentally disordered or mentally ill person, voluntarily or involuntarily detained and receiving services, confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9 of the Welfare and Institutions Code.

Mentally disordered or mentally ill person, weapons restrictions, confidentiality of information about, Section 8103 of the Welfare and Institutions Code.

Milk marketing, confidentiality of records, Section 61443 of the Food and Agricultural Code.

Milk product certification, confidentiality of, Section 62121 of the Food and Agricultural Code.

Milk, market milk, confidential records and reports, Section 62243 of the Food and Agricultural Code.

Milk product registration, confidentiality of information, Section 38946 of the Food and Agricultural Code.

Milk equalization pool plan, confidentiality of producers' voting, Section 62716 of the Food and Agricultural Code.

Mining report, confidentiality of report containing information relating to mineral production, reserves, or rate of depletion of mining operation, Section 2207 of the Public Resources Code.

Minor, criminal proceeding testimony closed to public, Section 859.1 of the Penal Code.

Minors, material depicting sexual conduct, records of suppliers to be kept and made available to law enforcement, Section 1309.5 of the Labor Code.

Misdemeanor and felony reports by police chiefs and sheriffs to Department of Justice, confidentiality of, Sections 11107 and 11107.5 of the Penal Code.

Monetary instrument transaction records, confidentiality of, Section 14167 of the Penal Code.

Missing persons' information, disclosure of, Sections 14204 and 14205 of the Penal Code.

Morbidity and mortality studies, confidentiality of records, Section 100330 of the Health and Safety Code.

Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014 of the Vehicle Code.

Motor vehicles, department of, public records, exceptions, Sections 1808 to 1808.7, inclusive, of the Vehicle Code.

Motor vehicle insurance fraud reporting, confidentiality of information acquired, Section 1874.3 of the Insurance Code.

Motor vehicle liability insurer, data reported to Department of Insurance, confidentiality of, Section 11628 of the Insurance Code.

Multijurisdictional drug law enforcement agency, closed sessions to discuss criminal investigation, Section 54957.8.

SEC. 3.

The Legislature finds and declares that Section 1 of this act, which adds Section 955 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of frontline providers of health care services to COVID-19 patients, it is necessary to prevent disclosure of records associated with the mental health resiliency program.

SEC. 4.

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

SEC. 5.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve the current and future health care workforce by ensuring that frontline health care providers have access to necessary services to address the ongoing stress and trauma of the COVID-19 pandemic as soon as possible, it is necessary that this act take effect immediately.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(F) – AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions

Background:

This bill would require a board within the department that has posted on its online license search system that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on its online license search system. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its online license search system that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require the board to charge a fee of \$25 to the person to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

Location: Senate

Status: 2/1/2022 In Senate. Read first time. To Committee on Rules for assignment.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 646 (Low) Bill Text

AB 646 (Low) - Department of Consumer Affairs: boards: expunged convictions.

SECTION 1.

Section 493.5 is added to the Business and Professions Code, to read:

493.5.

(a) A board within the department that has posted on its online license search system that a person's license was revoked because the person was convicted of a crime, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within 90 days of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reapplies for licensure or has been relicensed, post notification of the expungement order and the date thereof on its online license search system.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its online license search system that the person's license was revoked and information previously posted regarding arrests, charges, and convictions.

(b) (1) Except as provided in paragraph (2), a board within the department shall charge a fee of twenty-five dollars (\$25) to a person described in subdivision (a) to cover the reasonable regulatory cost associated with administering this section.

(2) A board shall not charge the fee if there is no cost associated with administering this section.

(3) A board may adopt regulations to implement this subdivision. The adoption, amendment, or repeal of a regulation authorized by this subdivision is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(4) The fee shall be deposited by the board into the appropriate fund and shall be available only upon appropriation by the Legislature.

(c) For purposes of this section, "board" means an entity listed in Section 101.

(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(G) – AB 657 (Cooper) State civil service system: personal services contracts: professionals

Background:

This bill would prohibit a state agency from entering into a contract with a professional, as defined, for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period. The bill would define “professional,” for these provisions, to include, among others, a physician and surgeon, dentist, and clinical psychologist. The bill would require each state agency that has a contract with a professional pursuant to these provisions to prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented, providing certain information, including the name and contact information of the professionals subject to a contract with the state agency, the details of the contract period for each professional, and the number of open professional positions available, as specified.

This bill would also require a state agency that uses a personal services contract for an employee position for each state agency that has a budgetary allocation to provide the applicable employee organization that represents employees who provide the same or similar services with certain information, including, among other things, the expenditures for recruiting and advertising to fill positions for which contractors are hired, and the number of applications for personal services received in the most recent quarter of the fiscal year.

On 3/19/2021, staff received notice from the author’s office, that they will be submitting an amendment to remove programs under the Department of Consumer Affairs from this requirement.

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee’s recommendation to watch AB 657 (Cooper).

On 4/21/2021, this bill was amended to add Assemblymember Cooper as the lead author and to exempt boards within DCA.

On 6/15/2021, this bill was amended to add the Department of Human Resources, during a state of emergency, as the contract approving entity and exempts the Department of Consumer Affairs and any boards/bureaus within it from its provisions.

Location: Senate

Status: 7/6/2021 In committee: Set, first hearing. Failed passage. Reconsideration granted.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 657 (Cooper) Bill Text as Amended

AB-657 (Cooper) - State civil service system: personal services contracts: professionals.

As Amends the Law Today – August 10, 2021

SECTION 1.

Section 19136 is added to the Government Code, to read:

19136.

(a) Notwithstanding Section 19130 or any other law, a professional, as defined in subdivision (c), who has a personal services contract with any state agency shall not be under contract with the state agency for a time period that exceeds either of the following:

(1) Three hundred sixty-five consecutive days to the state agency.

(2) Three hundred sixty-five nonconsecutive days in a 24-month period.

(b) (1) Notwithstanding subdivision (a), during a state of emergency declared by the Governor pursuant to Section 8625, a state agency may renew a personal services contract with a professional even if the renewal will exceed the time period limitations described in subdivision (a) if it receives approval for the renewal from the Department of Human Resources. The request to renew shall include at least all of the following:

(A) A detailed accounting of the state agency's expenditures in efforts to increase and expand recruitment and retention efforts for the agency.

(B) An analysis of the state agency's vacancies for the position for which the professional was contracted. The analysis shall include a comparison of current vacancies for the position and vacancies for the position one year prior.

(C) A detailed analysis of the state agency's efforts to fill the position with permanent civil service employees.

(D) A discussion of how the renewal of the contract will assist the agency in addressing the state of emergency.

(2) A state agency shall be required to seek authorization to renew pursuant to this subdivision each time it renews a contract under this subdivision. A renewed personal services contract pursuant to this subdivision shall not be between a professional and any state agency for a time period that exceeds either of the following:

(A) Three hundred sixty-five consecutive days to the state agency.

(B) Three hundred sixty-five nonconsecutive days in a 24-month period.

(3) The Department of Human Resources shall not approve a renewal of a personal services contract with a professional pursuant to this subdivision unless the renewal is necessary for the state agency to address the state of emergency.

(4) This subdivision shall not be construed to limit the Governor's authority to suspend statutes pursuant to Section 8571.

(c) For purposes of this section, "professional" means any of the following:

(1) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California.

(2) A dentist licensed by the Dental Board of California.

(3) A clinical psychologist licensed by the Board of Psychology.

(4) A clinical social worker licensed by the Board of Behavioral Sciences.

(5) A pharmacist licensed by the California State Board of Pharmacy.

(d) Each state agency that has a contract with a professional to which this section applies shall assign a unique identification number to each of those professionals for purposes of determining compliance with this section and complying with subdivisions (e) and (f).

(e) Each state agency that has a contract with a professional to which this section applies shall prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented. The monthly report shall include all of the following information:

(1) The names and unique identification numbers, as assigned pursuant to subdivision (d), of the professionals subject to a contract with the state agency.

(2) The details of the contract period for each professional, including, but not limited to, their hourly rate, beginning and end date, and the number of days worked pursuant to their current contract.

(3) The number of open professional positions for the state agency and the number of contract professional positions. For purposes of this paragraph, "open" means a position authorized in the budget for the state agency.

(f) If a state agency uses a personal services contract for an employee position for which the agency has a budgetary allocation, the agency shall provide to the applicable employee organization that represents employees who provide the same or similar services the following information:

(1) The expenditures for recruiting and advertising in the most recent quarter of the fiscal year to fill positions for which contractors are hired.

(2) The number of applications for personal services contracts received in the most recent quarter of the fiscal year.

(3) The number of applicants interviewed for personal services contracts received in the most recent quarter of the fiscal year.

(4) The number of applicants rejected for personal services contracts received in the most recent quarter of the fiscal year.

(g) This section shall not apply to the Department of Consumer Affairs or a board or bureau of the Department of Consumer Affairs, as described in Section 101 of the Business and Professions Code.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(a)(3)(H) – AB 810 (Flora) Healing arts: reports: claims against licensees

Background:

Existing law makes failure of a licensee of the Medical Board of California, the Podiatric Medical Board of California, the Board of Psychology, the Dental Board of California, the Dental Hygiene Board of California, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the State Board of Optometry, the Veterinary Medical Board, the Board of Behavioral Sciences, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, the California Board of Occupational Therapy, the Acupuncture Board, or the Physician Assistant Board, a claimant, or their counsel to report a settlement, judgment, or arbitration award over \$3,000 of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, certificate, or other similar authority from one of those boards, who does not possess professional liability insurance as to the claim, within 30 days to the agency that issued the license, certificate, or similar authority, punishable by a fine of not less than \$50 or more than \$500, as specified.

This bill would increase the minimum fine for a violation of that provision to \$100.

Existing law makes failure of a marriage and family therapist, clinical social worker, professional clinical counselor, a claimant, or their counsel to report a settlement, judgment, or arbitration award over \$10,000 of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a marriage and family therapist, a clinical social worker, or a professional clinical counselor who does not possess professional liability insurance as to that claim, within 30 days to the agency that issued the license, certificate, or similar authority, punishable by a fine of not less than \$50 nor more than \$500, as specified.

This bill would increase the minimum fine for a violation of that provision to \$100.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 810 (Flora).

On 4/2/2020, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 810 (Flora).

Location: Assembly Chief Clerk

Status: 1/31/2022 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 810 (Flora) Bill Text

AB-810 (Flora) Healing arts: reports: claims against licensees.

SECTION 1.

Section 802 of the Business and Professions Code is amended to read:

802.

(a) Every settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, certificate, or other similar authority from an agency specified in subdivision (a) of Section 800 (except a person licensed pursuant to Chapter 3 (commencing with Section 1200) or Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act) who does not possess professional liability insurance as to that claim shall, within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties, be reported to the agency that issued the license, certificate, or similar authority. A complete report shall be made by appropriate means by the person or ~~his or her~~ ~~her~~ ~~their~~ counsel, with a copy of the communication to be sent to the claimant through ~~his or her~~ ~~her~~ ~~their~~ counsel if the person is so represented, or directly if ~~he or she is~~ ~~they~~ ~~are~~ not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if the claimant is not represented by counsel, the ~~claimant himself or herself~~ ~~claimant~~) has not received a copy of the report, ~~he or she shall himself or herself~~ ~~they shall~~ make the complete report. Failure of the licensee or claimant (or, if represented by counsel, their counsel) to comply with this section is a public offense punishable by a fine of not less than ~~fifty~~ ~~one hundred~~ dollars ~~(\$50)~~ ~~(\$100)~~ or more than five hundred dollars (\$500). Knowing and intentional failure to comply with this section or conspiracy or collusion not to comply with this section, or to hinder or impede any other person in the compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

(b) Every settlement, judgment, or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a marriage and family therapist, a clinical social worker, or a professional clinical counselor licensed pursuant to Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4990), or Chapter 16 (commencing with Section 4999.10), respectively, who does not possess professional liability insurance as to that claim shall within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties be reported to the agency that issued the license,

certificate, or similar authority. A complete report shall be made by appropriate means by the person or ~~his or her~~ *their* counsel, with a copy of the communication to be sent to the claimant through ~~his or her~~ *their* counsel if ~~he or she is~~ *they are* so represented, or directly if ~~he or she is~~ *they are* not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if ~~he or she is~~ *they are* not represented by counsel, the ~~claimant himself or herself~~ *claimant*) has not received a copy of the report, ~~he or she shall himself or herself~~ *they shall* make a complete report. Failure of the marriage and family therapist, clinical social worker, or professional clinical counselor or claimant (or, if represented by counsel, ~~his or her~~ *their* counsel) to comply with this section is a public offense punishable by a fine of not less than ~~fifty~~ *one hundred* dollars (~~\$50~~) (*\$100*) nor more than five hundred dollars (\$500). Knowing and intentional failure to comply with this section, or conspiracy or collusion not to comply with this section or to hinder or impede any other person in that compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(a)(3)(I) – AB 830 (Flora): Business: Department of Consumer Affairs: licensed professions and vocations

Background:

Requires the Director of Consumer Affairs to notify the appropriate policy committees of the Legislature within 60 days after the position of chief or executive officer of any bureau or board within the department becomes vacant.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 830 (Flora).

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 830 (Flora).

Location: Secretary of State

Status: 9/28/2021 Chaptered by Secretary of State - Chapter 376, Statutes of 2021.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 830 (Flora) Bill Text

AB-830 (Flora) - Department of Consumer Affairs: licensed professions and vocations

SECTION 1.

Section 308 is added to the Business and Professions Code, to read:

308.

The director shall notify the appropriate policy committees of the Legislature within 60 days after the position of chief or executive officer of any bureau or board within the department becomes vacant pursuant to Section 1770 of the Government Code.

SEC. 2.

Section 5535.2 of the Business and Professions Code is amended to read:

5535.2.

(a) This chapter does not prevent an architect from forming a business entity or collaborating with persons who are not architects, provided that any architects' professional services that are provided through that entity or collaboration are offered and provided under the responsible control of an architect, or architects, and in accordance with the provisions of this chapter.

(b) (1) A business entity organized as a general corporation may include in its name any or all of the following:

(A) A fictitious name.

(B) The name of one or more licensed architects.

(C) The term "architect," the term "architecture," or a variation of the term "architect" or "architecture."

(2) Nothing in paragraph (1) shall limit a business entity organized as a general corporation from including in its name any other word or name that is not otherwise prohibited by law.

(3) Notwithstanding paragraphs (1) and (2), a business entity organized as a general corporation shall not include in its name the term "professional corporation."

SEC. 3.

Section 6980.77 is added to the Business and Professions Code, immediately following Section 6980.76, to read:

6980.77.

Notwithstanding any other law, the failure of any person licensed to do business as a corporation in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

SEC. 4.

Section 6980.79 of the Business and Professions Code is amended to read:

6980.79.

The fees prescribed by this chapter are those fixed in the following schedule:

- (a) A locksmith license application fee shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275).
- (b) An original license fee for a locksmith license shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275), and a renewal fee for a locksmith license shall be at least five hundred dollars (\$500) and may be increased to an amount not to exceed five hundred fifty dollars (\$550).
- (c) A branch office initial registration fee shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275), and a branch office renewal fee shall be at least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).
- (d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
- (e) An initial registration fee for an employee performing the services of a locksmith shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).
- (f) A registration renewal fee for an employee performing the services of a locksmith shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

- (g) The fingerprint processing fee is that amount charged to the bureau by the Department of Justice.
- (h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.
- (i) The fee for a Certificate of Licensure, as specified in Section 6980.24, shall be at least twenty-five dollars (\$25).
- (j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
- (k) The fee for an endorsed verification of licensure or registration shall be twenty-five dollars (\$25). The verification document shall include the license or registration number, the license or registration history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.
- (l) The fee for the replacement of a lost or destroyed registration card, license, or certificate authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by the bureau.
- (m) The reinstatement fee following a suspension pursuant to Section 6980.77 shall be 25 percent of the renewal fee.

SEC. 5.

Section 7068 of the Business and Professions Code is amended to read:

7068.

- (a) The board shall require an applicant to show the degree of knowledge and experience in the classification applied for, and the general knowledge of the building, safety, health, and lien laws of the state and of the administrative principles of the contracting business that the board deems necessary for the safety and protection of the public.
- (b) An applicant shall qualify in regard to their experience and knowledge in one of the following ways:
- (1) If an individual, they shall qualify by personal appearance or by the appearance of their responsible managing employee who is qualified for the same license classification as the classification being applied for.
 - (2) If a partnership or a limited partnership, it shall qualify by the appearance of a general partner or by the appearance of a responsible managing employee who is qualified for the same license classification as the classification being applied for.

(3) If a corporation, or any other combination or organization, it shall qualify by the appearance of a responsible managing officer or responsible managing employee who is qualified for the same license classification as the classification being applied for.

(4) If a limited liability company, it shall qualify by the appearance of a responsible managing officer, a responsible managing manager, responsible managing member, or a responsible managing employee who is qualified for the same license classification as the classification being applied for.

(c) (1) For purposes of this chapter, “a responsible managing employee” means an individual who is a bona fide employee of the applicant and is actively engaged in the classification of work for which that responsible managing employee is the qualifying person on behalf of the applicant.

(2) For purposes of this subdivision, the following definitions apply:

(A) “Bona fide employee of the applicant” means an employee who is permanently employed by the applicant.

(B) “Actively engaged” means working 32 hours per week, or 80 percent of the total hours per week that the applicant’s business is in operation, whichever is less.

(d) The board shall, in addition, require an applicant who qualifies by means of a responsible managing employee under either paragraph (1) or (2) of subdivision (b) to show their general knowledge of the building, safety, health, and lien laws of the state and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public.

(e) Except in accordance with Section 7068.1, no person qualifying on behalf of an individual or firm under paragraph (1), (2), (3), or (4) of subdivision (b) shall hold any other active contractor’s license while acting in the capacity of a qualifying individual pursuant to this section.

(f) At the time of application for renewal of a license, the current qualifying individual shall file a statement with the registrar, on a form prescribed by the registrar, verifying their capacity as a qualifying individual to the licensee.

(g) Statements made by or on behalf of an applicant as to the applicant’s experience in the classification applied for shall be verified by a qualified and responsible person. In addition, the registrar shall, as specified by board regulation, randomly review a percentage of such statements for their veracity.

(h) The registrar shall review experience gained by applicants from other states to determine whether all of that experience was gained in a lawful manner in that state.

SEC. 6.

Section 7068.1 of the Business and Professions Code is amended to read:

7068.1.

(a) The person qualifying on behalf of an individual or firm under paragraph (1), (2), (3), or (4) of subdivision (b) of Section 7068 shall be responsible for exercising supervision and control of their employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board. This person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following conditions exists:

(1) There is a common ownership of at least 20 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

(2) The additional firm is a subsidiary of or a joint venture with the first. "Subsidiary," as used in this subdivision, means any firm at least 20 percent of the equity of which is owned by the other firm.

(3) With respect to a firm under paragraph (2), (3), or (4) of subdivision (b) of Section 7068, the majority of the partners, officers, or managers are the same.

(b) Notwithstanding paragraphs (1) to (3), inclusive, of subdivision (a), a qualifying individual may act as the qualifier for no more than three firms in any one-year period.

(c) The following definitions shall apply for purposes of this section:

(1) "Firm" means a partnership, a limited partnership, a corporation, a limited liability company, or any other combination or organization described in Section 7068.

(2) "Person" is limited to natural persons, notwithstanding the definition of "person" in Section 7025.

(3) "Supervision or control" means direct supervision or control or monitoring and being available to assist others to whom direct supervision and control has been delegated.

(4) "Direct supervision or control" means any of the following:

(A) Supervising construction.

(B) Managing construction activities by making technical and administrative decisions.

(C) Checking jobs for proper workmanship.

(D) Supervision on construction sites.

(d) The board shall require every applicant or licensee qualifying by the appearance of a qualifying individual to submit detailed information on the qualifying individual's duties and responsibilities for supervision and control of the applicant's construction operations, including, but not limited to, an employment duty statement prepared by the qualifier's employer or principal. Failure of an applicant or licensee to provide information required by this subdivision constitutes a violation of this section.

(e) Violation of this section shall constitute a cause for disciplinary action and shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine of not less than three thousand dollars (\$3,000), but not to exceed five thousand dollars (\$5,000), or by both the fine and imprisonment.

SEC. 7.

Section 7510.3 is added to the Business and Professions Code, to read:

7510.3.

Notwithstanding any other law, the failure of any person licensed to do business as a corporation or limited liability company in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

SEC. 8.

Section 7511 of the Business and Professions Code is amended to read:

7511.

The bureau shall establish and assess fees and penalties for licensure and registration as displayed in this section. The fees prescribed by this chapter are as follows:

- (a) The application fee for an original repossession agency license shall be at least nine hundred seventy dollars (\$970) and may be increased to an amount not to exceed one thousand sixty-seven dollars (\$1,067).
- (b) The application fee for an original qualified manager certificate shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).
- (c) The renewal fee for a repossession agency license shall be at least seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825) biennially.

(d) The renewal fee for a qualified manager certificate shall be at least two hundred twenty-five dollars (\$225) and may be increased to an amount not to exceed two hundred forty-eight dollars (\$248) biennially.

(e) Notwithstanding Section 163.5, the reinstatement fee for a repossession agency license required pursuant to Sections 7503.11 and 7505.3 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(f) Notwithstanding Section 163.5, the reinstatement fee for a qualified manager certificate required pursuant to Sections 7503.11 and 7504.7 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(g) A fee for reexamination of an applicant for a qualified manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(h) An initial registrant registration fee shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82), a registrant reregistration fee shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82), and a registrant biennial renewal fee shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44) per registration. Notwithstanding Section 163.5 and this subdivision, the reregistration fee for a registrant whose registration expired more than one year prior to the filing of the application for reregistration shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82).

(i) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(j) The fingerprint processing fee is that amount charged to the bureau by the Department of Justice.

(k) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge. The director shall charge and collect a fee not to exceed ten dollars (\$10) plus sales tax for each additional copy, which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

(l) The processing fee for the assignment of a repossession agency license pursuant to Section 7503.9 shall be at least four hundred dollars (\$400) and may be increased to an amount not to exceed four hundred forty dollars (\$440).

(m) The fee for an endorsed verification of licensure, certification, or registration shall be twenty-five dollars (\$25). The verification document shall include the license, certificate, or registration number, the license, certificate, or registration history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.

(n) The fee for the replacement of a lost or destroyed registration card, license, or certificate authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by the bureau.

(o) The reinstatement fee following a suspension pursuant to Section 7510.3 shall be 25 percent of the renewal fee.

SEC. 9.

Section 7542.2 of the Business and Professions Code is amended to read:

7542.2.

The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) (1) The applicant is a licensee or a qualified manager of a licensee.

(b) The firearms permit is associated with one of the following:

(1) An individual licensed as a private investigator pursuant to Section 7525.1.

(2) A partner of a partnership licensed as a private investigator pursuant to Section 7525.1.

(3) A qualified manager of a licensed private investigator pursuant to Section 7536.

(c) (1) A bureau-certified firearms training instructor certifies that the applicant has successfully completed a written examination prepared by the bureau and a training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of the applicant's duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(f) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(g) The application is accompanied by the application fees prescribed in this chapter.

SEC. 10.

Section 7542.11 of the Business and Professions Code is amended to read:

7542.11.

(a) A firearms qualification card expires two years from the date of issuance, if not renewed. A person who wishes to renew a firearms qualification card shall file an application for renewal at least 60 days prior to the card's expiration. A person whose card has expired shall not carry a firearm until the person has been issued a renewal card by the bureau.

(b) The bureau shall not renew a firearms qualification card unless all of the following conditions are satisfied:

(1) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

(2) (A) The applicant has requalified on the range and has successfully passed a written examination based on course content as specified in the firearms training manual approved by the department and taught at a training facility approved by the bureau.

(B) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of subparagraph (A) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(3) The application is accompanied by a firearms requalification fee as prescribed in this chapter.

(4) The applicant has produced evidence to the firearms training facility, either upon receiving their original qualification card or upon filing for renewal of that card, that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status is that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, the United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(c) An expired firearms qualification card may not be renewed. A person with an expired registration is required to apply for a new firearms qualification in the manner required of persons not previously registered. A person whose card has expired shall not carry a firearm until that person has been issued a new firearms qualification card by the bureau.

(d) Paragraph (2) of subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training.

SEC. 11.

Section 7561.2 is added to the Business and Professions Code, to read:

7561.2.

Notwithstanding any other law, the failure of any person licensed to do business as a corporation or limited liability company in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the

bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

SEC. 12.

Section 7570 of the Business and Professions Code is amended to read:

7570.

The fees prescribed by this chapter are as follows:

- (a) The application and examination fee for an original license shall be at least three hundred forty dollars (\$340) and may be increased to not more than three hundred seventy-four dollars (\$374).
- (b) The application fee for an original branch office certificate shall be at least ninety dollars (\$90) and may be increased to not more than ninety-nine dollars (\$99).
- (c) The fee for an original license for a private investigator shall be at least three hundred eighty-five dollars (\$385) and may be increased to not more than four hundred twenty-four dollars (\$424).
- (d) The renewal fee is as follows:
 - (1) For a license as a private investigator, the fee shall be at least two hundred sixty-five dollars (\$265) and may be increased to not more than two hundred ninety-two dollars (\$292).
 - (2) For a branch office certificate for a private investigator, the fee shall be at least sixty-five dollars (\$65) and may be increased to not more than seventy-two dollars (\$72).
- (e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration.
- (f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.
- (g) The fee for reexamination of an applicant or their qualified manager shall be at least sixty dollars (\$60) and may be increased to not more than sixty-six dollars (\$66).
- (h) The processing fee for the assignment of a license pursuant to Section 7530 shall be at least four hundred dollars (\$400) and may be increased to not more than four hundred forty dollars (\$440).
- (i) The firearms permit fee shall be at least one hundred dollars (\$100), but shall not exceed one hundred ten dollars (\$110).
- (j) The firearms permit renewal fee shall be at least eighty dollars (\$80), but shall not exceed eighty-eight dollars (\$88).

(k) The replacement fee for a lost or destroyed registration card, license, certificate, or permit authorized by this chapter shall be twenty-five dollars (\$25). A request to replace a lost or destroyed registration card, license, certificate, or permit shall be made in the manner prescribed by the bureau.

(l) The fee for a Certificate of Licensure, as specified in Section 7528, shall be twenty-five dollars (\$25).

(m) The fee for an endorsed verification of licensure, certification, or permit shall be twenty-five dollars (\$25). The verification document shall include the history and current status of the license, certificate, or permit number, the date of the endorsement, an embossed seal, and the signature of the chief.

(n) The reinstatement fee following a suspension pursuant to subdivision (e) of Section 7520.3 shall be no more than 50 percent of the renewal fee.

(o) The reinstatement fee following a suspension pursuant to Section 7561.2 shall be 25 percent of the renewal fee.

SEC. 13.

Section 7574.35 of the Business and Professions Code is amended to read:

7574.35.

The fee for an endorsed verification of registration shall be twenty-five dollars (\$25). The verification document shall include the registration number the registration history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.

SEC. 14.

Section 7574.36 is added to the Business and Professions Code, immediately following Section 7574.35, to read:

7574.36.

(a) Notwithstanding any other law, the failure of any person licensed to do business as a corporation or limited liability company in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the

bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

(b) The reinstatement fee following a suspension pursuant to this section shall be 25 percent of the renewal fee.

SEC. 15.

Section 7583.23 of the Business and Professions Code is amended to read:

7583.23.

The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) The applicant is a licensee, a qualified manager of a licensee, or a registered security guard subject to the following:

(1) The firearms permit may only be associated with the following:

(A) A sole owner of a sole ownership licensee, pursuant to Section 7582.7 or 7525.1.

(B) A partner of a partnership licensee, pursuant to Section 7582.7 or 7525.1.

(C) A qualified manager of a licensee, pursuant to Section 7536 or 7582.22.

(D) A security guard registrant.

(2) If the firearms permit is associated with a security guard registration, they are subject to the provisions of Section 7583.47, regardless of any other license possessed or associated with the firearms permit.

(b) (1) A bureau-certified firearms training instructor has certified that the applicant has successfully completed a written examination prepared by the bureau and training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(c) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic

fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(d) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of their duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(e) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(f) The application is accompanied by the application fees prescribed in this chapter.

(g) (1) If the applicant is a registered security guard and they have been found capable of exercising appropriate judgment, restraint, and self-control, for the purposes of carrying and using a firearm during the course of their duties, pursuant to Section 7583.47.

(2) The requirement in paragraph (1) shall be completed within six months preceding the date the application is submitted to the bureau.

SEC. 16.

Section 7583.32 of the Business and Professions Code is amended to read:

7583.32.

(a) A firearms qualification card expires two years from the date of issuance, if not renewed. A person who wishes to renew a firearms qualification card shall file an application for renewal at least 60 days prior to the card's expiration. A person whose card has expired shall not carry a firearm until that person has been issued a renewal card by the bureau.

(b) The bureau shall not renew a firearms qualification card unless all of the following conditions are satisfied:

(1) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

(2) (A) The applicant has requalified on the range and has successfully passed a written examination based on course content as specified in the firearms training manual approved by the department and taught at a training facility approved by the bureau.

(B) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of subparagraph (A) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(3) The application is accompanied by a firearms requalification fee as prescribed in this chapter.

(4) The applicant has produced evidence to the firearm training facility, either upon receiving their original qualification card or upon filing for renewal of that card, that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status is that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, the United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(c) An expired firearms qualification card may not be renewed. A person with an expired registration is required to apply for a new firearms qualification in the manner required of persons not previously registered. A person whose card has expired shall not carry a firearm until that person has been issued a new firearms qualification card by the bureau.

(d) Paragraph (2) of subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code (18 U.S.C. Sec. 926B), who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training.

SEC. 17.

Section 7587.11 is added to the Business and Professions Code, to read:

7587.11.

Notwithstanding any other law, the failure of any person licensed to do business as a corporation in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the

automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

SEC. 18.

Section 7588 of the Business and Professions Code is amended to read:

7588.

The fees prescribed by this chapter are as follows:

- (a) The application and examination fee for an original license for a private patrol operator shall be at least five hundred fifty dollars (\$550) and may be increased to an amount not to exceed six hundred five dollars (\$605).
- (b) The application fee for an original branch office certificate for a private patrol operator shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275).
- (c) The fee for an original license for a private patrol operator shall be at least seven hundred seventy dollars (\$770) and may be increased to an amount not to exceed eight hundred forty-seven dollars (\$847).
- (d) The renewal fee is as follows:
 - (1) For a license as a private patrol operator, the fee shall be at least nine hundred dollars (\$900) and may be increased to an amount not to exceed nine hundred ninety dollars (\$990).
 - (2) For a branch office certificate for a private patrol operator, the fee shall be at least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).
- (e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration but not less than twenty-five dollars (\$25).
- (f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.

(g) The fee for reexamination of an applicant or the applicant's manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(h) Registration fees pursuant to this chapter are as follows:

(1) A registration fee for a security guard shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).

(2) A security guard registration renewal fee shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

(i) Fees to carry out other provisions of this chapter are as follows:

(1) A firearms permit fee shall be at least one hundred dollars (\$100) and may be increased to an amount not to exceed one hundred ten dollars (\$110).

(2) A firearms permit renewal fee shall be at least eighty dollars (\$80) and may be increased to an amount not to exceed eighty-eight dollars (\$88).

(3) An initial baton permit fee shall be sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(4) An application fee for certification as a firearms training facility shall be at least eight hundred dollars (\$800) and may be increased to an amount not to exceed eight hundred eighty dollars (\$880).

(5) A renewal fee for certification as a firearms training facility shall be at least seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825).

(6) An application fee for certification as a baton training facility shall be at least seven hundred dollars (\$700) and may be increased to an amount not to exceed seven hundred seventy dollars (\$770).

(7) A renewal fee for certification as a baton training facility shall be at least five hundred fifty dollars (\$550) and may be increased to an amount not to exceed six hundred five dollars (\$605).

(8) An application fee for certification as a firearms or baton training instructor shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).

(9) A renewal fee for certification as a firearms training instructor shall be at least three hundred dollars (\$300) and may be increased to an amount not to exceed three hundred thirty dollars (\$330).

(10) A renewal fee for certification as a baton training instructor shall be at least two hundred seventy-five dollars (\$275) and may be increased to an amount not to exceed three hundred three dollars (\$303).

(11) The fee for the replacement of a lost or destroyed registration card, license, certificate, or permit authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, certificate, or permit shall be made in the manner prescribed by the bureau.

(12) The fee for a Certificate of Licensure, as specified in Section 7582.11, shall be twenty-five dollars (\$25).

(j) The fee for an endorsed verification of registration, licensure, certification, or permit shall be twenty-five dollars (\$25). The verification document shall include the registration, license, certificate, or permit number, the registration, license, certificate, or permit history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.

(k) The reinstatement fee following a suspension pursuant to Section 7587.11 shall be 25 percent of the renewal fee.

SEC. 19.

Section 7590.1 of the Business and Professions Code is amended to read:

7590.1.

The following terms as used in this chapter have the meaning expressed in this article:

(a) (1) "Advertisement" means:

(A) Any written or printed communication for the purpose of soliciting, describing, or promoting the licensed business of the licensee, including a brochure, letter, pamphlet, newspaper, periodical, publication, or other writing.

(B) A directory listing caused or permitted by the licensee which indicates their licensed activity.

(C) A radio, television, or similar airwave transmission that solicits or promotes the licensed business of the licensee.

(2) "Advertisement" does not include any of the following:

(A) Any printing or writing used on buildings, vehicles, uniforms, badges, or other property where the purpose of the printing or writing is identification.

(B) Any printing or writing on communications, memoranda, or any other writings used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of business.

(C) Any printing or writing on novelty objects used in the promotion of the licensee's business where the printing of the information required by this chapter would be impractical due to the available area or surface.

(b) "Alarm agent" means a person employed by an alarm company operator whose duties, being physically conducted within the state, include selling on premises, altering, installing, maintaining, moving, repairing, replacing, servicing, responding, or monitoring an alarm system, and those ancillary devices connected to and controlled by the alarm system, including supplementary smoke detectors, or a person who manages or supervises a person employed by an alarm company to perform any of the duties described in this subdivision or any person in training for any of the duties described in this subdivision.

(c) (1) "Alarm system" means an assembly of equipment and devices arranged to detect a hazard or signal the presence of an off-normal situation.

(2) "Alarm system" does not include a fire protection system, as defined in the California Fire Code.

(d) "Branch office" means any location, other than the principal place of business of the licensee, which is licensed as set forth in Article 11 (commencing with Section 7599.20).

(e) "Branch office manager" means an individual designated by the qualified manager to manage the licensee's branch office and who has met the requirements as set forth in Article 11 (commencing with Section 7599.20).

(f) "Bureau" means the Bureau of Security and Investigative Services.

(g) "Chief" means the Chief of the Bureau of Security and Investigative Services.

(h) "Deadly weapon" means and includes any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, or metal knuckles; any dirk, dagger, pistol, revolver, or any other firearm; any knife having a blade longer than five inches; any razor with an unguarded blade; or any metal pipe or bar used or intended to be used as a club.

(i) "Department" means the Department of Consumer Affairs.

(j) "Director" means the Director of Consumer Affairs.

(k) "Employee" means an individual who works for an employer, is listed on the employer's payroll records, and is under the employer's direction and control.

(l) "Employer" means a person who employs an individual for wages or salary, lists the individual on the employer's payroll records, and withholds all legally required deductions and contributions.

(m) "Employer-employee relationship" means an individual who works for another and where the individual's name appears on the payroll records of the employer.

(n) "Firearm permit" means and includes "firearms permit," "firearms qualification card," "firearms qualification," and "firearms qualification permit."

(o) “Firearms permit” means a permit issued by the bureau, pursuant to Article 6 (commencing with Section 7596), to a licensee, a qualified manager, or an alarm agent, to carry an exposed firearm while on duty.

(p) “Licensee” means a business entity, whether an individual, partnership, limited liability company, or corporation licensed under this chapter.

(q) “Manager” means an individual designated under an operating agreement of a manager-managed limited liability company who is responsible for performing the management functions for the limited liability company specified in subdivision (c) of Section 17704.07 of the Corporations Code.

(r) “Member” means an individual who is a member of a limited liability company as defined in subdivision (p) of Section 17701.02 of the Corporations Code.

(s) “Person” means any individual, firm, company, association, organization, partnership, limited liability company, or corporation.

(t) “Qualified manager” means an individual who is in active control, management, and direction of the licensee’s business, and who is in possession of a current and valid qualified manager’s certificate pursuant to this chapter.

(u) “Registrant” means any person registered or who has applied for registration under this chapter.

(v) “Residential sales agreement” means and includes an agreement between an alarm company operator and an owner or tenant for the purchase of an alarm system to be utilized in the personal residence of the owner or tenant.

SEC. 20.

Section 7590.2 of the Business and Professions Code is amended to read:

7590.2.

(a) An “alarm company operator” means a person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service alarm systems, and those ancillary devices connected to and controlled by the alarm system, including supplementary smoke detectors, or who responds to alarm systems except for any alarm agent. “Alarm company operator,” includes any entity that is retained by a licensed alarm company operator, a customer, or any other person or entity, to monitor one or more alarm systems, whether or not the entity performs any other duties within the definition of an alarm company operator. The provisions of this chapter, to the extent that they can be made applicable, shall be applicable to the duties and functions performed in monitoring alarm systems.

(b) A person licensed as an alarm company operator shall not conduct any investigation or investigations except those that are incidental to personal injury, or the theft, loss,

embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which they have been hired or engaged to protect.

(c) A person who is licensed, certified, or registered pursuant to this chapter is exempt from locksmithing requirements, pursuant to subdivision (e) of Section 6980.12, if the duties performed that constitute locksmithing are performed in combination with the installation, maintenance, moving, repairing, replacing, servicing, or reconfiguration of an alarm system, as defined in Section 7590.1, and limited to work on electronic locks or access control devices that are controlled by an alarm system control device, including the removal of existing hardware.

SEC. 21.

Section 7590.6 is added to the Business and Professions Code, immediately following Section 7590.5, to read:

7590.6.

(a) Notwithstanding any law, any application for a license, registration, certification, or permit required by this chapter shall be submitted electronically through the online licensing and enforcement platform, including, but not limited to, applications for an original, renewal, reinstatement, or replacement license, registration, certificate, or permit.

(b) This section shall become operative on July 1, 2022.

SEC. 22.

Section 7592.9 of the Business and Professions Code is amended to read:

7592.9.

Notwithstanding Section 7592.8, a city, county, or city and county that requires a person who owns, leases, rents, or otherwise possesses an alarm system to obtain a local use permit to operate the alarm system shall not fine an alarm company for requesting dispatch to a customer, whether residential or commercial, that does not have a current local use permit if either apply:

(a) It was not the alarm company's legal responsibility to obtain the local use permit for the customer or renew the local use permit for the customer.

(b) If it is the alarm company's legal responsibility to renew the local use permit for the customer, the alarm company was not notified that the customer's local use permit had expired.

(c) Except as otherwise required by this chapter, this section shall not be construed to require the bureau to investigate, hear, or adjudicate a cause of action between an

alarm company and a city, county, or city and county that pertains to liability for penalties imposed under an ordinance enacted by the city, county, or city and county.

SEC. 23.

Section 7593.1 of the Business and Professions Code, as amended by Section 10 of Chapter 406 of the Statutes of 2018, is amended to read:

7593.1.

(a) Each individual applicant, partner of a partnership, designated officer of a corporation, member, officer, or manager of a limited liability company, and a qualified manager shall submit with the application one personal identification form provided by the chief, with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, and personal description of each such person, respectively. The identification form shall include residence addresses and employment history for the previous five years.

(b) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 24.

Section 7593.1 of the Business and Professions Code, as amended by Section 11 of Chapter 406 of the Statutes of 2018, is amended to read:

7593.1.

(a) Each individual applicant, partner of a partnership, designated officer of a corporation, ~~member, officer, or manager of a limited liability company,~~ and a qualified manager shall submit with the ~~application~~ *application*, one personal identification form provided by the chief, with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, and personal description of each such person, respectively. The identification form shall include residence addresses and employment history for the previous five years.

(b) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(c) This section shall ~~remain in effect only until January 1, 2024, and as of that date is repealed.~~ *become operative on January 1, 2024.*

SEC. 25.

Section 7593.7 of the Business and Professions Code is amended to read:

7593.7.

The chief shall issue a pocket identification card to the owner; any partner, officer, member, or manager active in the licensed business; and qualified manager. The chief shall determine the form and content of the card.

SEC. 26.

Section 7596.3 of the Business and Professions Code is amended to read:

7596.3.

The director shall issue a firearms permit when all of the following conditions exist:

(a) The applicant is a licensee, a qualified manager of a licensee, a designated branch office manager of a licensee, or a registered alarm agent. A firearms permit may only be associated with the following:

- (1) A sole owner of a sole ownership licensee.
- (2) A partner of a partnership licensee.
- (3) A qualified manager of a licensee.
- (4) A designated branch office manager of a licensee.
- (5) A registered alarm agent.

(b) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(c) (1) A bureau-certified firearms training instructor certifies that the applicant has successfully completed a written examination prepared by the bureau and a training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the ~~requirement~~ *requirements* of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has provided the bureau with evidence that the applicant has completed a course in the exercise of the powers to arrest.

(e) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of their duties, presents no apparent threat to the public safety, or the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(f) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(g) The application is accompanied by the fee prescribed in this chapter.

~~(h) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.~~

SEC. 26.1.

Section 7596.3 of the Business and Professions Code is amended to read:

7596.3.

The director shall issue a firearms permit when all of the following conditions exist:

(a) The applicant is a licensee, a qualified manager of a licensee, a designated branch office manager of a licensee, or a registered alarm agent. A firearms permit may only be associated with the following:

(1) A sole owner of a sole ownership licensee.

(2) A partner of a partnership licensee.

(3) A qualified manager of a licensee.

(4) A designated branch office manager of a licensee.

(5) A registered alarm agent.

(b) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(c) (1) A bureau-certified firearms training instructor certifies that the applicant has successfully completed a written examination prepared by the bureau and a training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the ~~requirement~~ *requirements* of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has provided the bureau with evidence that the applicant has completed a course in the exercise of the powers to arrest.

(e) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of their duties, presents no apparent threat to the public safety, or the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(f) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(g) The application is accompanied by the fee prescribed in this chapter.

(h) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 26.2.

Section 7596.3 is added to the Business and Professions Code, to read:

7596.3.

The director shall issue a firearms permit when all of the following conditions exist:

(a) The applicant is a licensee, a qualified manager of a licensee, a designated branch office manager of a licensee, or a registered alarm agent. A firearms permit may only be associated with the following:

- (1) A sole owner of a sole ownership licensee.*
- (2) A partner of a partnership licensee.*
- (3) A qualified manager of a licensee.*
- (4) A designated branch office manager of a licensee.*
- (5) A registered alarm agent.*

(b) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(c) (1) A bureau-certified firearms training instructor certifies that the applicant has successfully completed a written examination prepared by the bureau and a training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has provided the bureau with evidence that the applicant has completed a course in the exercise of the power to arrest and the appropriate use of force.

(e) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of their duties, presents no apparent threat to the public safety, or the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(f) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be that

deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(g) The application is accompanied by the fee prescribed in this chapter.

(h) This section shall become operative on January 1, 2023.

SEC. 27.

Section 7596.7 of the Business and Professions Code is amended to read:

7596.7.

A firearms qualification card expires two years from the date of issuance, if not renewed. A person who wishes to renew a firearms qualification card shall file an application for renewal at least 60 days prior to the card's expiration. A person whose card has expired shall not carry a firearm until the person has been issued a renewal card by the bureau.

The director shall not renew a firearms qualification card unless all of the following conditions exist:

(a) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

(b) The application is accompanied by a firearms requalification fee as prescribed in this chapter.

(c) (1) The applicant has requalified on the range and has successfully passed a written examination based on course content as specified in the firearms training manual approved by the department and taught at a training facility approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has produced evidence to the firearm training facility, either upon receiving an original qualification card or upon filing for renewal of that card, that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status is that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting

possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(e) An expired firearms qualification card may not be renewed. A person with an expired firearms qualification card is required to apply for a new card in the manner required of persons not previously registered. A person whose card has expired shall not carry a firearm until the person has been issued a new firearms qualification card by the bureau.

SEC. 28.

Section 7598.14 of the Business and Professions Code is amended to read:

7598.14.

Upon approval of an application for registration, the chief shall cause to be issued to the applicant, at their last known address, a registration card in a form approved by the director. The applicant may request to be issued an enhanced pocket card that shall be composed of a durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department's costs for furnishing the enhanced license. The fee charged may not exceed the actual costs for system development, maintenance, and processing necessary to provide this service, and may not exceed six dollars (\$6). If the applicant does not request an enhanced card, the department shall issue a standard card at no cost to the applicant. Every person, while engaged in any activity for which registration is required, shall display their valid pocket card as provided by regulation.

SEC. 29.

Section 7598.51 of the Business and Professions Code is amended to read:

7598.51.

(a) (1) An alarm agent shall carry on their person, while on duty, either a valid and current registration card or a temporary application for registration and a valid photo identification. The registration card or temporary application may be in a digital format.

(2) The temporary application shall include the application number that is assigned at the time that the application is received.

(b) For purposes of this section, "digital format" shall include, but not be limited to, an easily legible screenshot or image of the registration card or temporary application.

(c) A fine of one hundred fifty dollars (\$150) may be assessed for each violation of subdivision (a).

SEC. 30.

Section 7599 of the Business and Professions Code is amended to read:

7599.

Except as otherwise provided in this chapter, an applicant for a qualified manager certificate for an alarm company operator license shall:

(a) Have had at least two years' experience in alarm company work or the equivalent thereof as determined by the director.

A year's experience shall consist of not less than 2,000 hours of actual compensated alarm company work performed by each applicant preceding the filing of an application.

Applicants shall substantiate the claimed years and hours of qualifying experience and the exact details as to the character and nature thereof by written certifications from employers on forms prescribed by the director, subject to independent verification by the director as they may determine. In the event the applicant is unable to supply a written certification from an employer, the applicant may offer such other written certifications as may be properly considered by the director. In addition, applicants shall supply such evidence for consideration, as may be required by the director.

(b) Be at least 18 years of age.

(c) Complete and forward to the bureau an application for a qualified manager certificate for an alarm company operator license, which shall be on a form prescribed by the director. The application shall be accompanied by two classifiable sets of the applicant's fingerprints.

(d) Pass the required examination.

(e) Pay the required application and examination fees to the chief.

SEC. 31.

Section 7599.54 of the Business and Professions Code is amended to read:

7599.54.

(a) Except as provided by Section 7599.56, every agreement, including, but not limited to, lease agreements, monitoring agreements, and service agreements, including all labor, services, and materials to be provided for the installation of an alarm system, shall be in writing. Except as provided by Section 7599.56, all amendments subject to the provisions of this section to an initial agreement shall be in writing. Each initial agreement shall contain, but not be limited to, the following:

(1) (A) The name, business address, business telephone number, and, except as provided in subparagraphs (B) and (C), license number of the licensed alarm company operator and the name and registration number of any alarm agent who solicited or negotiated the agreement.

(B) An alarm agent that is working with a temporary registration pursuant to Section 7598.7 shall include the application number in lieu of the registration number.

(C) This paragraph does not apply to an agreement that was not solicited or negotiated by a registered alarm agent.

(2) The approximate dates when the work will begin and be substantially completed.

(3) A description of the work to be done, a description of the materials to be used, and the agreed consideration for the work.

(4) A disclosure that alarm company operators are licensed and regulated by the Bureau of Security and Investigative Services, Department of Consumer Affairs, including the bureau's current address and contact information.

(5) A description of the alarm system including the major components thereof and services to be provided to the purchaser once the alarm is installed, including response or monitoring services, if any.

(6) Other matters agreed to by the parties of the contract. The agreement shall be legible and shall be in a form as to clearly describe any other document which is to be incorporated into the contract, and, before any work is done, the client shall be furnished with a copy of the written agreement signed by the licensee.

(7) A statement setting forth that upon completion of the installation of the alarm system, the alarm company shall thoroughly instruct the purchaser in the proper use of the alarm system.

(8) In the event a mechanic's lien is to be utilized, a notice-to-owner statement which shall describe, in nontechnical language and in a clear and coherent manner using words with common and everyday meaning, the pertinent provisions of this state's mechanics' lien laws and the rights and responsibilities of an owner of property and a contractor thereunder, including the provisions relating to the filing of a contract concerning a work of improvement with the county recorder and the recording in the office of a contractor's payment bond for private work.

(9) For residential agreements entered into on or after January 1, 2017, that include an automatic renewal provision renewing the agreement for a period of more than one month, a clear and distinct disclosure shall be included separate from the terms and conditions of the agreement advising the consumer that the agreement they are entering into contains an automatic renewal provision. The disclosure shall include the length of time of the renewal term and specify that failure to provide notification of nonrenewal to the licensee, as required in the agreement, will result in the automatic

renewal of the agreement. The consumer shall acknowledge being advised of the automatic renewal provision by signing or initialing the disclosure. The disclosure may be included on the same document as the right to cancel form required by Section 1689.7 of the Civil Code. The automatic renewal provision shall be void and invalid without a separate acknowledgment of the disclosure by the consumer.

(10) In addition to the above, every initial residential sales and lease agreement, the total cost which over the time period fixed by the agreement exceeds two hundred fifty dollars (\$250), including the cost of all labor, service, or material to be provided by the licensee for the installation, shall include, but not be limited to, the following:

(A) A schedule of payments showing the amount of each payment as a sum in dollars and cents. This schedule of payments shall be referenced to the amount of work for services to be performed or to any materials or equipment to be supplied.

(B) If the payment schedule contained in the agreement provides for a downpayment to be paid to the licensee by the owner or the tenant before commencement of the work, that downpayment shall not exceed one thousand dollars (\$1,000) or 10 percent of the contract price, excluding finance charges, whichever is the lesser.

(C) In no event shall the payment schedule provide that the licensee receive, nor shall the licensee actually receive, payment in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except that the licensee may receive an initial downpayment authorized by subparagraph (B). A failure by the licensee, without legal excuse, to substantially commence work within 20 days of the approximate date specified in the contract when work is to commence, shall postpone the next succeeding payment to the licensee for that period of time equivalent to the time between when substantial commencement was to have occurred and when it did occur.

(D) A notice-to-owner statement which shall describe, in nontechnical language and in a clear and coherent manner using words with common and everyday meaning, the pertinent provisions of this state's mechanics' lien laws and the rights and responsibilities of an owner of property and a contractor thereunder, including the provisions relating to the filing of a contract concerning a work of improvement with the county recorder and the recording in the office of a contractor's payment bond for private work.

(E) A description of what constitutes substantial commencement of work pursuant to the contract.

(F) A disclosure that failure by the licensee, without legal excuse, to substantially commence work within 20 days from the approximate date specified in the agreement when the work will begin is a violation of the Alarm Company Act.

(G) A disclosure informing the buyer of any potential permit fees which may be required by local jurisdictions concerning the monitoring of an existing alarm system.

(H) This section shall not be construed to prohibit the parties to a residential alarm system sale contract from agreeing to a contract or account subject to Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3 of the Civil Code.

(b) A violation of this section or failure to commence work pursuant to subparagraph (F) of paragraph (10) of subdivision (a) may result in a fine of one hundred dollars (\$100) for the first violation and a fine of five hundred dollars (\$500) for each subsequent violation.

SEC. 32.

Section 7599.62 is added to the Business and Professions Code, to read:

7599.62.

Notwithstanding any other law, the failure of any person licensed to do business as a corporation or limited liability company in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or the Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or the Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the bureau that the licensee is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

SEC. 33.

Section 7599.70 of the Business and Professions Code is amended to read:

7599.70.

The bureau shall establish and assess fees and penalties for licensure and registration as follows:

(a) An alarm company operator license application fee shall be at least three hundred seventy dollars (\$370) and may be increased to an amount not to exceed four hundred seven dollars (\$407).

(b) An original license fee for an alarm company operator license shall be at least six hundred dollars (\$600) and may be increased to an amount not to exceed six hundred sixty dollars (\$660). A renewal fee for an alarm company operator license shall be seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825).

(c) A qualified manager certificate application and examination fee shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).

(d) A renewal fee for a qualified manager certificate shall be at least two hundred twenty-five dollars (\$225) and may be increased to an amount not to exceed two hundred forty-eight dollars (\$248).

(e) An original license fee for a branch office certificate shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275). A renewal fee for a branch office certificate shall be at least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).

(f) Notwithstanding Section 163.5, the reinstatement fee as required by Sections 7593.12 and 7598.17 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(g) A fee for reexamination of an applicant for a qualified manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(h) An initial registration fee for an alarm agent shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).

(i) A registration renewal fee for an alarm agent shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

(j) A firearms permit fee shall be at least one hundred dollars (\$100) and may be increased to an amount not to exceed one hundred ten dollars (\$110), and a firearms permit renewal fee shall be at least eighty dollars (\$80) and may be increased to an amount not to exceed eighty-eight dollars (\$88).

(k) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

(l) The processing fee required pursuant to Section 7598.14 is the amount equal to the expenses incurred to provide a photo identification card.

(m) The fee for a Certificate of Licensure, as specified in Section 7593.8, shall be twenty-five dollars (\$25).

(n) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(o) The processing fee for the assignment of an alarm company operator license pursuant to Section 7593.15 shall be at least four hundred dollars (\$400) and may be increased to an amount not to exceed four hundred forty dollars (\$440).

(p) The fee for the replacement of a lost or destroyed registration card, license, certificate, or permit authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, certificate, or permit shall be made in the manner prescribed by the bureau.

(q) The fee for an endorsed verification of licensure, certification, registration, or permit shall be twenty-five dollars (\$25). The verification document shall include the license, certificate, registration, or permit number, the license, certificate, registration, or permit history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.

(r) The reinstatement fee following a suspension pursuant to subdivision (f) of Section 7599.34 and Section 7599.62 shall be 25 percent of the renewal fee.

SEC. 34.

Section 10140.6 of the Business and Professions Code is amended to read:

10140.6.

(a) A real estate licensee shall not publish, circulate, distribute, or cause to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that the licensee is performing acts for which a real estate license is required.

(b) (1) A real estate licensee shall disclose their name, license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Licensing System and Registry, if that licensee is a mortgage loan originator, and responsible broker's identity, as defined in Section 10015.4, on all solicitation materials intended to be the first point of contact with consumers and on real property purchase agreements when acting in a manner that requires a real estate license or mortgage loan originator license endorsement in those transactions. The commissioner may adopt regulations identifying the materials in which a licensee must disclose a license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Licensing System and Registry, and responsible broker's identity.

(2) A real estate licensee who is a natural person and who legally changes the surname in which their license was originally issued may continue to utilize their former surname for the purpose of conducting business associated with their license so long as both names are filed with the department. Use of a former surname shall not constitute a fictitious name for the purposes of Section 10159.5.

(3) For purposes of this section, "solicitation materials" include business cards, stationery, advertising flyers, advertisements on television, in print, or electronic media, "for sale," rent, lease, "open house," and directional signs, and other materials designed

to solicit the creation of a professional relationship between the licensee and a consumer.

(4) Nothing in this section shall be construed to limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

(c) This section shall not apply to “for sale,” rent, lease, “open house,” and directional signs that do either of the following:

(1) Display the responsible broker’s identity, as defined in Section 10015.4, without reference to an associate broker or licensee.

(2) Display no licensee identification information.

(d) “Mortgage loan originator,” “unique identifier,” and “Nationwide Mortgage Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 35.

Section 22351 of the Business and Professions Code is amended to read:

22351.

(a) The certificate of registration of a registrant who is a natural person shall contain the following:

(1) The name, age, address, email address, and telephone number of the registrant.

(2) A statement, signed by the registrant under penalty of perjury, that the registrant has not been convicted of a felony, or, if the registrant has been convicted of a felony, a copy of a certificate of rehabilitation, expungement, or pardon.

(3) A statement that the registrant has been a resident of this state for a period of one year immediately preceding the filing of the certificate.

(4) A statement that the registrant will perform their duties as a process server in compliance with the provisions of law governing the service of process in this state.

(b) The certificate of registration of a registrant who is a partnership or corporation shall contain the following:

(1) The names, ages, addresses, email addresses, and telephone numbers of the general partners or officers.

(2) A statement, signed by the general partners or officers under penalty of perjury, that the general partners or officers have not been convicted of a felony.

(3) A statement that the partnership or corporation has been organized and existing continuously for a period of one year immediately preceding the filing of the certificate or

a responsible managing employee, partner, or officer has been previously registered under this chapter.

(4) A statement that the partnership or corporation will perform its duties as a process server in compliance with the provisions of law governing the service of process in this state.

(c) The county clerk shall retain the certificate of registration for a period of three years following the expiration date of the certificate, after which time the certificate may be destroyed if it is scanned or if the conditions specified in Section 26205.1 of the Government Code are met. If the certificate is scanned, the scanned image shall be retained for a period of 10 years, after which time that image may be destroyed and, notwithstanding Section 26205.1 of the Government Code, no reproduction thereof need be made or preserved.

SEC. 36.

Section 22452 of the Business and Professions Code is amended to read:

22452.

(a) The application for registration of a natural person shall contain all of the following statements about the applicant certified to be true:

(1) Name, age, address, email address, and telephone number.

(2) They have not been convicted of a felony.

(3) They will perform their duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

(b) The application for registration of a partnership or corporation shall contain all of the following statements about each general partner or corporate officer, and be certified to be true:

(1) The names, ages, addresses, email addresses, and telephone numbers of the general partners or officers.

(2) The general partners or officers have not been convicted of a felony.

(3) The partnership or corporation will perform its duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

(c) The county clerk shall retain the application for registration for a period of three years following the expiration date of the application, after which time the application may be destroyed if it is scanned or if the conditions specified in Section 26205.1 of the Government Code are met. If the application is scanned, the scanned image shall be

retained for a period of 10 years, after which time that image may be destroyed and, notwithstanding Section 26205.1 of the Government Code, no reproduction thereof need be made or preserved.

(d) A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation in the minimum amount of two thousand five hundred dollars (\$2,500) and the maximum amount of twenty-five thousand dollars (\$25,000). An action for a civil penalty under this provision may be brought by any public prosecutor in the name of the people of the State of California and the penalty imposed shall be enforceable as a civil judgment.

SEC. 37.

Section 8726.2 of the Health and Safety Code is amended to read:

8726.2.

(a) On or after January 1, 2021, a cemetery authority, its board of trustees, or its corporate trustee may apply to the Cemetery and Funeral Bureau to convert its endowment care fund from a net income distribution method to a unitrust distribution method.

(b) The bureau shall approve the application described in subdivision (a) only if all of the following conditions are met:

(1) The cemetery authority, its board of trustees, or its corporate trustee provides the investment objectives of the trust and those objectives promote the mutual goals of (A) growing the principal assets to sufficiently cover the cost of future and ongoing care and maintenance of the cemetery and (B) generating income to support the cemetery, as described in Section 8726.

(2) Evidence is provided that the cemetery authority, its board of trustees, or its corporate trustee will invest and manage the trust under the prudent investor rule, as described in Article 2.5 (commencing with Section 16045) of Chapter 1 of Part 4 of Division 9 of the Probate Code, including, but not limited to, the requirements of Section 16050 of the Probate Code.

(3) The cemetery authority, its board of trustees, or its corporate trustee demonstrates sufficient knowledge and expertise in investing and managing an endowment care fund.

(4) The unitrust amount is no more than 5 percent of the average net fair market value of the endowment care fund.

(5) A reserve is created for future maintenance, repair, restoration of property, or embellishments in the cemetery for use when the endowment fund has inadequate funds for full distribution, as described in subparagraph (C) of paragraph (6). The

cemetery authority, its board of trustees, or its corporate trustee may set aside a portion of the unitrust amount for the reserve.

(6) (A) The distribution of the unitrust amount may be made to the cemetery authority on a monthly, quarterly, semiannual, or annual basis, unless the endowment care fund has inadequate funds for full distribution.

(B) An endowment care fund has inadequate funds for full distribution if either of the following events occur:

(i) The net fair market value of the endowment care fund, after the distribution, is less than 80 percent of the aggregate fair market value of the endowment care fund as of the end of the immediate preceding fiscal year.

(ii) The endowment care fund is less than the cumulative total of all principal contributions to the fund since inception.

(C) (i) If the endowment care fund has inadequate funds for full distribution, the distribution shall be limited to the lesser of net income distribution or an amount no more than a unitrust distribution of 1.5 percent of the average net fair market value of the assets, and the fees and expenses associated with the management of the fund shall be paid by the cemetery authority.

(ii) The cemetery authority, its board of trustees, or its corporate trustee may draw from the reserve described in paragraph (5) only during a fiscal year where there are inadequate funds for full distribution. An amount drawn from the reserve during that fiscal year shall be the lesser of the difference between the unitrust amount described in paragraph (4) and the limited distribution amount described in clause (i), or one-third of the total amount of the reserve.

(7) (A) Notwithstanding Section 8733 or 8733.5, the compensation of the trustee shall be reasonable and shall meet the following conditions:

(i) If the net fair market value of the endowment care fund as of the end of the immediately preceding fiscal year, as of the last trading day, is less than five hundred thousand dollars (\$500,000), the annual compensation of the trustee shall not exceed three thousand five hundred dollars (\$3,500).

(ii) If the net fair market value of the endowment care fund as of the end of the immediately preceding fiscal year, as of the last trading day, is five hundred thousand dollars (\$500,000) or more, the annual compensation of the trustee shall not exceed:

(I) 0.8 percent of the first one million dollars (\$1,000,000).

(II) 0.6 percent of the next four million dollars (\$4,000,000).

(III) 0.5 percent of the next five million dollars (\$5,000,000).

(IV) 0.15 percent of all amounts above ten million dollars (\$10,000,000).

(B) The payment of the compensation of the trustee as set forth in subparagraph (A) shall be determined by a contractually prescribed schedule that is annual, semiannual, quarterly, or monthly with a schedule adopted for a period of no less than one year, and with relation to the net fair market value of the endowment care fund as of the end of the scheduled period, and the calculation of those fees as a percentage of that value shall be adjusted for that calculation.

(C) Nothing in this paragraph requires the payment of compensation to the trustee in a fiscal year.

(8) The cemetery authority has submitted all annual reports, pursuant to Section 7612.6 of the Business and Professions Code, for the previous five consecutive years.

(c) The bureau shall deny a cemetery authority's application if the bureau has found any of the conditions described in subdivisions (a) to (f), inclusive, of Section 7613.9 of the Business and Professions Code.

(d) To assist the bureau in making its determination, the cemetery authority, its board of trustees, or its corporate trustee shall provide all relevant trust documents, including a proposed trust instrument, if available. If relevant trust documents become available after the bureau makes a determination, the cemetery authority, its board of trustees, or its corporate trustee shall provide it to the bureau.

(e) (1) The bureau shall review on an annual basis whether a cemetery authority continues to meet the conditions of approval, described in subdivision (b), for the use of the unitrust distribution method.

(2) If the net fair market value of an endowment using the unitrust distribution method as of the end of the immediately preceding fiscal year falls to lower than five hundred thousand dollars (\$500,000), the bureau, in its review, shall consider the fees and expenses associated with the management of the fund.

(3) If a cemetery authority is determined not to meet the original conditions of approval described in subdivision (b), or has failed to file an annual report pursuant to Section 7612.6 of the Business and Professions Code, the cemetery authority may be required to revert to the use of the net income distribution method.

(f) The bureau may adopt rules to administer this section and ensure compliance, including, but not limited to, reporting requirements.

(g) The bureau shall evaluate the effectiveness of this section and report at its next two hearings before the Joint Sunset Review Oversight Hearings of the Assembly Committee on Business and Professions and Senate Committee on Business, Professions and Economic Development that occurs after January 1, 2018.

(h) For the purpose of this section, the following words have the following meanings:

(1) "Average net fair market value" means the net fair market value of the assets in the endowment care fund as of the last trading day for each of the three preceding fiscal years. Investment adviser fees and other operating expenses shall be deducted in determining the net fair market value.

(2) "Compensation of the trustee" means the total annual sum of all compensation paid to all trustees of an endowment care fund and to all agents and employees of those trustees.

(3) "Net fair market value" means the fair market value of the endowment care fund at a specified point in time after deducting investment adviser fees and other operating expenses.

(i) Nothing in this section relieves the trustee of the obligation to comply with the prudent investor rule, as described in Article 2.5 (commencing with Section 16045) of Chapter 1 of Part 4 of Division 9 of the Probate Code, including, but not limited to, Section 16050 of the Probate Code.

SEC. 38.

Sections 26.1 and 26.2 of this bill incorporates amendments to Section 7596.3 of the Business and Professions Code proposed by both this bill and Assembly Bill 229. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 7596.3 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 229, in which case Section 26 of this bill shall not become operative.

SEC. 39.

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

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(J) – AB 885 (Quirk) – Bagley-Keene Open Meeting Act: teleconferencing

Background:

The Bagley-Keene Open Meeting Act of 1967 provides the public the ability to actively engage with its government and be a part of the decision-making process. Bagley-Keene mandates open meetings for California State agencies, boards, committees, and commissions and facilitates transparency of government activities to protect the rights of citizens to participate in state government proceedings.

Under existing law, any meeting of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference if the meeting complies with the requirements of the Bagley-Keene Act. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting.

AB 885 seeks to modernize the teleconferencing statute of Bagley-Keene to encourage more participation and engagement in public service. This bill ensures accessibility for both the public, as well as members of a state body. AB 885 maintains that public meetings remain transparent, by requiring public meetings that are conducted via teleconference to be observable to the public both audibly and visually. Additionally, AB 885 clarifies that members of a state body participating remotely shall count towards a quorum and would only require public disclosure of the designated primary physical meeting location from which the public may participate. Lastly, the reform in this bill is not replacing physical meetings, but authorizing state bodies to have the ability to have a meeting via teleconference in addition to a physical meeting location.

Location: Assembly Chief Clerk

Status: 1/31/2022 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

Action Requested:

This is for informational purposes only. Not action is required at this time.

Attachment A: AB 885 (Quirk) Bill Text

AB-885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing.

SECTION 1.

Section 11123 of the Government Code is amended to read:

11123.

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be ~~audible~~ *both audibly and visually observable* to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post ~~agendas at all teleconference locations and~~ *an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate, and* conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. ~~Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.~~ The agenda shall provide an opportunity for members of the public to address the state body *via teleconference* directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through ~~either audio or~~ both audio and video. This section does not prohibit a state

body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

SEC. 2.

Section 11123.5 of the Government Code is amended to read:

11123.5.

(a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123, any state body that is ~~an advisory~~ **a** board, ~~advisory~~ commission, ~~advisory~~ committee, ~~advisory~~ subcommittee, or similar multimember ~~advisory~~ body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section's requirements shall be listed in the minutes of the meeting.

(c) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its ~~Internet Web site~~ **internet website** and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (e).

(d) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting at least 10 days in advance of the meeting. The agenda shall include information regarding the physical meeting location designated pursuant to subdivision (e), but is not required to disclose information regarding any remote location.

(e) A state body described in subdivision (a) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. A quorum of the members of the state body shall be in attendance **via teleconference or in person physically** at the primary physical meeting location, and members of the state body participating remotely shall ~~not~~ count towards establishing a quorum. All decisions taken during a meeting by

teleconference shall be by rollcall vote. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.

(f) When a member of a state body described in subdivision (a) participates remotely in a meeting subject to this section's requirements, the state body shall provide a means by which the public may remotely ~~hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to~~ *observe the meeting's proceedings, both audibly and visually, including the* members of the state body participating remotely. The applicable teleconference phone number or ~~Internet Web site,~~ *internet website,* or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice described in subdivision (a) that is available to the public.

(g) Upon discovering that a means of remote access required by subdivision (f) has failed during a meeting, the state body described in subdivision (a) shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its ~~Internet Web site~~ *internet website* and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may ~~hear audio of the meeting or observe the meeting,~~ *observe the meeting, both audibly and visually.*

(h) For purposes of this section:

(1) "Participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.

(2) "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.

(3) "Teleconference" has the same meaning as in Section 11123.

(i) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article.

SEC. 3.

The Legislature finds and declares that Section 1 of this act, which amends Section 11123 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(K) – AB 1026 (Smith) Business licenses: veterans

Background:

This bill would require the department and any board within the department to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, that the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged.

This bill would authorize a board to adopt regulations necessary to administer these provisions.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 1026 (Smith).

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 1026 (Smith).

On 5/20/2021, this bill was held in committee.

Location: Assembly Chief Clerk

Status: 1/31/2022 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 1026 (Smith) Bill Text

AB-1026 (Smith) Business licenses: veterans.

SECTION 1.

Section 115.4 of the Business and Professions Code is amended to read:

115.4.

(a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) The department and any board within the department shall grant a 50-percent fee reduction for an initial license to an applicant who provides satisfactory evidence the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged.

(c) Satisfactory evidence, as referenced in this section, shall be a copy of a current and valid driver's license or identification card with the word "Veteran" printed on its face.

~~(b)~~ (d) A board may adopt regulations necessary to administer this section.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(L) – AB 1236 (Ting): Healing arts: licensees: data collection.

Background:

As amended, this bill would require all boards overseeing healing arts licensees to request workforce data from licensees and registrants for the purposes of future workforce planning. It specifies that the data may be requested at the time of electronic application for a license or license renewal, or at least biennially, from a scientifically selected random sample of licensees and registrants. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form that cannot be used to identify an individual.

In addition, AB 1236 directs these boards to post the specified demographic information in aggregate, which was collected on the internet website that they each maintain. Lastly, beginning July 1, 2022, this bill would require each board, or the Department of Consumer Affairs on its behalf, to provide the information annually to the Office of Statewide Health Planning and Development.

On 3/19/2021, the Legislative and Regulatory Affairs Committee voted to watch AB 1236 and directed the Chair of the Committee and staff to have a conversation with the author's office about the data points being collected to allow a more informed discussion at the April 2021 Board meeting.

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 1236 (Ting).

Since the Board's initial review of this bill, it has been amended to add sexual orientation and disability status as data points. It also states that a licensee or registrant shall not be required to provide any of the data outlined in the legislation.

The bill is keyed fiscal. Per the Assembly Appropriations Committee, this bill has a fiscal effect of \$230,000 in information technology changes to collect the required data.

Staff has learned from the author's office that they are working with OSHPD to gather the data and produce the report specified in the bill. As such, the bill was moved to the inactive file.

Location: Assembly

Status: 2/1/2022 Died on inactive file.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 1236 Bill Text

AB-1236 (Ting) Healing arts: licensees: data collection.

SECTION 1.

Section 502 is added to the Business and Professions Code, to read:

502.

(a) A board that supervises healing arts licensees under this division shall request workforce data from its licensees and, if designated by the board, its registrants, as specified in subdivision (b) for future workforce planning. The data may be requested at the time of electronic application for a license and license renewal, or at least biennially from a scientifically selected random sample of licensees and registrants.

(b) The workforce data collected by each board about its licensees and, if applicable, registrants shall include, at a minimum, information concerning all of the following:

(A) City, county, and ZIP Code of practice.

(B) Type of employer or classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.

(C) Work hours.

(D) Titles of positions held.

(E) Time spent in direct patient care.

(F) Clinical practice area.

(G) Race or ethnicity, subject to paragraph (2).

(H) Gender identity.

(I) Languages spoken.

(J) Educational background.

(K) Future work intentions.

(L) Job satisfaction ratings.

(M) Sexual orientation.

(N) Disability status.

(c) Each board shall maintain the confidentiality of the information it receives from licensees and registrants under this section and shall release information only in an aggregate form that cannot be used to identify an individual.

(d) Each board shall produce reports containing the workforce data it collects pursuant to this section, at a minimum, on a biennial basis. Aggregate information collected pursuant to this section shall be posted on each board's internet website.

(e) Each board, or the Department of Consumer Affairs on its behalf, shall, beginning on July 1, 2022, and annually thereafter, provide the data it collects pursuant to this section to the Office of Statewide Health Planning and Development in a manner directed by the office that allows for inclusion of the data into the annual report it produces pursuant to Section 128052 of the Health and Safety Code.

(f) A licensee or registrant shall not be required to provide any of the information listed in subdivision (b).

SEC. 2.

Section 2717 of the Business and Professions Code is repealed.

~~2717.~~

~~(a) The board shall incorporate regional forecasts into its biennial analyses of the nursing workforce conducted pursuant to Section 502.~~

~~(b) The board shall develop a plan to address regional areas of shortage identified by its nursing workforce forecast. The board plan shall identify additional facilities that could offer clinical placement slots.~~

~~(c) The board shall annually collect, analyze, and report information related to the number of clinical placement slots that are available and the location of those clinical placement slots within the state, including, but not limited to, information concerning the total number of placement slots a clinical facility can accommodate and how many slots the programs that use the facility will need. The board shall place the annual report on its internet website.~~

SEC. 3.

Section 2852.5 of the Business and Professions Code is repealed.

SEC. 4.

Section 3518.1 of the Business and Professions Code is repealed.

SEC. 5.

Section 3770.1 of the Business and Professions Code is repealed.

SEC. 6.

Section 4506 of the Business and Professions Code is repealed.

SEC. 7.

The Legislature finds and declares that Section 1 of this act, which adds Section 502 of the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of licensees and registrants, while also gathering useful workforce data, it is necessary that some information collected from licensees and registrants only be released in aggregate form.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(M) – AB 1386 (Cunningham) License fees: military partners and spouses

Background:

This bill prohibits a licensing board under the Department of Consumer Affairs from charging an initial or original license fee to an applicant who holds a current similar license in another state and is the spouse of an active duty member of the Armed Forces that is stationed in California.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch AB 1386 (Cunningham).

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch AB 1386 (Cunningham).

On 5/5/2021, this bill was in committee: Set, first hearing. Referred to APPR. suspense file.

Location: Assembly Chief Clerk

Status: 1/31/2022 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: AB 1386 (Cunningham) Bill Text

AB-1386 (Cunningham) License fees: military partners and spouses.

SECTION 1.

Section 115.5 of the Business and Professions Code is amended to read:

115.5.

(a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.

(b) (1) A board shall not charge an applicant who meets the requirements in subdivision (a) an initial application fee or an initial license issuance fee.

(2) The board shall not charge an applicant who meets the requirements in subdivision (a) an initial examination fee if the examination is administered by the board.

~~(b)~~ (c) A board may adopt regulations necessary to administer this section.

~~(c) This section shall remain in effect only until July 1, 2022, and as of that date is repealed.~~

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(N) – SB 102 (Melendez) COVID-19 emergency order violation: license revocation

Background:

This bill would prohibit a board within the Department of Consumer Affairs that does not regulate healing arts licensees, and the Department of Alcoholic Beverage Control from revoking a license or imposing a fine or penalty for failure to comply with any COVID-19 state of emergency orders or COVID-19 stay-at-home orders, unless the board or department can prove that lack of compliance resulted in transmission of COVID-19. The bill would specify that the provisions do not preclude issuance of fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home order. The provisions of the bill would remain in effect until either the COVID-19 state of emergency is terminated or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, but in no case would the provisions remain in effect after January 1, 2024.

This bill would declare that it is to take effect immediately as an urgency statute.

On 3/19/2021, the Legislative and Regulatory Affairs Committee agreed with the staff recommendation to watch SB 102 (Melendez).

On 4/2/2021, the Board agreed with the Legislative and Regulatory Affairs Committee's recommendation to watch SB 102 (Melendez).

Location: Secretary of the Senate

Status: 2/1/2022 Returned to Secretary of Senate pursuant to Joint Rule 56.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: SB 102 (Melendez) Bill Text

SB-102 (Melendez) COVID-19 emergency order violation: license revocation.

SECTION 1.

Section 464.5 is added to the Business and Professions Code, to read:

464.5.

(a) The department and any board shall not revoke a license, fine, or impose a penalty for failure to comply with any COVID-19 state of emergency orders or COVID-19 stay-at-home orders, unless the department or board can prove that lack of compliance resulted in the transmission of COVID-19.

(b) For the purposes of this section, board does not include a healing arts board as described in Division 2 (commencing with Section 500).

(c) For the purposes of this section:

(1) "COVID-19 state of emergency" means the state of emergency proclaimed by the Governor on March 4, 2020.

(2) "COVID-19 stay-at-home order" means either of the following:

(A) Executive Order No. N-33-20, or any similar order issued by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) or the State Department of Public Health that requires the closure of businesses in response to the COVID-19 state of emergency.

(B) Any order by a local government that requires the closure of businesses in response to the COVID-19 state of emergency, including, but not limited to, an order issued pursuant to the police power of a city or county or any order issued by a local health officer pursuant to Section 101040 or 120175 of the Health and Safety Code.

(d) Nothing in this section shall preclude the department or any board from issuing fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home orders.

(e) This section shall remain in effect only until either the COVID-19 state of emergency terminates pursuant to Section 8629 of the Government Code or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, and as of that date is repealed. However, if those contingencies are not met, then in no case shall this section remain in effect after January 1, 2024, and as of that date is repealed.

SEC. 2.

Section 24200.8 is added to the Business and Professions Code, to read:

24200.8.

(a) The Department of Alcoholic Beverage Control shall not revoke the license, fine, or impose a penalty of any licensee for failure to comply with any COVID-19 state of emergency orders, or COVID-19 stay-at-home orders, unless the department can prove that lack of compliance resulted in transmission of COVID-19.

(b) For the purposes of this section:

(1) "COVID-19 state of emergency" means the state of emergency proclaimed by the Governor on March 4, 2020.

(2) "COVID-19 stay-at-home order" means either of the following:

(A) Executive Order No. N-33-20, or any similar order issued by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) or the State Department of Public Health that requires the closure of businesses in response to the COVID-19 state of emergency.

(B) Any order by a local government that requires the closure of businesses in response to the COVID-19 state of emergency, including, but not limited to, an order issued pursuant to the police power of a city or county or any order issued by a local health officer pursuant to Section 101040 or 120175 of the Health and Safety Code.

(c) Nothing in this section shall preclude the department or any board from issuing fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home orders.

(d) This section shall remain in effect only until either the COVID-19 state of emergency terminates pursuant to Section 8629 of the Government Code or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, and as of that date is repealed. However, if those contingencies are not met, then in no case shall this section remain in effect after January 1, 2024, and as of that date is repealed.

SEC. 3.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect businesses, including small businesses, which continue to make significant contributions to economic security, which helps ensure public safety, during these unprecedented times caused by the COVID-19 pandemic, as soon as possible, it is necessary for this act to take effect immediately.

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(O) – SB 221 (Wiener): Health care coverage – timely access to care.

Background:

This bill codifies existing timely access to care standards for health plans and health insurers, applies these requirements to Medi-Cal managed care plans, and adds a standard for non-urgent follow-up appointments for nonphysician mental health care or substance use disorder providers within ten business days of the prior appointment.

On 5/20/2021, this bill was amended to clarify that timely access standards are intended solely to be minimum requirements and not to replace clinical judgment in decisions regarding speed and frequency of medically necessary care.

On 6/28/2021, this bill was amended to add clarifying language: this subparagraph does not limit coverage for nonurgent follow-up appointments with a nonphysician mental health care or substance use disorder provider to once every 10 business days.

Location: Secretary of State

Status: 10/8/2021 Chaptered by Secretary of State. Chapter 724, Statutes of 2021.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: SB 221 (Wiener) Bill Text

SB-221 Health care coverage: timely access to care.

SECTION 1.

The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature to ensure that all enrollees of health care service plans and health insurers who require ongoing courses of medically necessary treatment for mental health and substance use disorders are able to obtain followup appointments with nonphysician providers of mental health and substance use disorder services within timeframes that are clinically appropriate to care for their diagnoses.

(b) Existing law and regulations have been interpreted to set clear timely access standards for health care service plans and health insurers to meet enrollees' requests for initial appointments with nonphysician providers of mental health and substance use disorder services, but not to set similarly clear timely access standards for the provision of followup appointments with these providers for the many enrollees who need them.

(c) This loophole in existing law and regulations has resulted in failures to provide enrollees followup appointments with nonphysician providers of mental health and substance use disorder services within the timeframes consistent with generally accepted standards of care.

(d) Closing this loophole is urgently necessary to address the widespread and lengthy delays in access to followup appointments with nonphysician providers of mental health and substance use disorder services experienced by thousands of Californians, including individuals suffering from major disorders and reporting suicidal ideation.

(e) Closing this loophole has grown even more urgent as the prevalence of mental health and substance use disorders has increased dramatically during the COVID-19 pandemic, and efforts to meet increased demand have focused on providing initial appointments while timely access to appropriate followup care has further diminished.

(f) Closing this loophole would in no way prohibit a health care service plan or health insurer from offering enrollees or insureds followup appointments with nonphysician mental health care or substance use disorder providers faster or more frequently than required by this act. The timely access standards codified by this act are intended solely to be minimum requirements. The clinical judgment of the treating mental health care or substance use disorder provider shall continue to play the primary role in decisions regarding the speed and frequency of medically necessary care for mental health and substance use disorders.

SEC. 2.

Section 1367.03 of the Health and Safety Code is amended to read:

1367.03.

(a) A health care service plan that provides or arranges for the provision of hospital or physician services, including a specialized mental health plan that provides physician or hospital services, or that provides mental health services pursuant to a contract with a full service plan, shall comply with the following timely access requirements:

(1) A health care service plan shall provide or arrange for the provision of covered health care services in a timely manner appropriate for the nature of the enrollee's condition consistent with good professional practice. A plan shall establish and maintain provider networks, policies, procedures, and quality assurance monitoring systems and processes sufficient to ensure compliance with this clinical appropriateness standard. A health care service plan that uses a tiered network shall demonstrate compliance with the standards established by this section based on providers available at the lowest cost-sharing tier.

(2) A health care service plan shall ensure that all plan and provider processes necessary to obtain covered health care services, including, but not limited to, prior authorization processes, are completed in a manner that assures the provision of covered health care services to an enrollee in a timely manner appropriate for the enrollee's condition and in compliance with this section.

(3) If it is necessary for a provider or an enrollee to reschedule an appointment, the appointment shall be promptly rescheduled in a manner that is appropriate for the enrollee's health care needs, and ensures continuity of care consistent with good professional practice, and consistent with this section and the regulations adopted thereunder.

(4) Interpreter services required by Section 1367.04 of this code and Section 1300.67.04 of Title 28 of the California Code of Regulations shall be coordinated with scheduled appointments for health care services in a manner that ensures the provision of interpreter services at the time of the appointment without imposing delay on the scheduling of the appointment. This subdivision does not modify the requirements established in Section 1300.67.04 of Title 28 of the California Code of Regulations, or approved by the department pursuant to Section 1300.67.04 of Title 28 of the California Code of Regulations for a plan's language assistance program.

(5) In addition to ensuring compliance with the clinical appropriateness standard set forth in paragraph (1), a health care service plan shall ensure that its contracted provider network has adequate capacity and availability of licensed health care providers to offer enrollees appointments that meet the following timeframes:

(A) Urgent care appointments for services that do not require prior authorization: within 48 hours of the request for appointment, except as provided in subparagraph (H).

(B) Urgent care appointments for services that require prior authorization: within 96 hours of the request for appointment, except as provided in subparagraph (H).

(C) Nonurgent appointments for primary care: within 10 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(D) Nonurgent appointments with specialist physicians: within 15 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(E) Nonurgent appointments with a nonphysician mental health care or substance use disorder provider: within 10 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(F) Commencing July 1, 2022, nonurgent followup appointments with a nonphysician mental health care or substance use disorder provider: within 10 business days of the prior appointment for those undergoing a course of treatment for an ongoing mental health or substance use disorder condition, except as provided in subparagraph (H). This subparagraph does not limit coverage for nonurgent followup appointments with a nonphysician mental health care or substance use disorder provider to once every 10 business days.

(G) Nonurgent appointments for ancillary services for the diagnosis or treatment of injury, illness, or other health condition: within 15 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(H) The applicable waiting time for a particular appointment may be extended if the referring or treating licensed health care provider, or the health professional providing triage or screening services, as applicable, acting within the scope of their practice and consistent with professionally recognized standards of practice, has determined and noted in the relevant record that a longer waiting time will not have a detrimental impact on the health of the enrollee.

(I) Preventive care services, as defined in subdivision (e), and periodic followup care, including standing referrals to specialists for chronic conditions, periodic office visits to monitor and treat pregnancy, cardiac, mental health, or substance use disorder conditions, and laboratory and radiological monitoring for recurrence of disease, may be scheduled in advance consistent with professionally recognized standards of practice as determined by the treating licensed health care provider acting within the scope of their practice.

(J) A referral to a specialist by a primary care provider or another specialist shall be subject to the relevant time-elapsed standard in subparagraph (A), (B), or (D), unless the requirements in subparagraph (H) or (I) are met, and shall be subject to the other provisions of this section.

(K) A plan may demonstrate compliance with the primary care time-elapsed standards established by this subdivision through implementation of standards, processes, and systems providing advanced access to primary care appointments, as defined in subdivision (e).

(6) In addition to ensuring compliance with the clinical appropriateness standard set forth in paragraph (1), each dental plan, and each full service plan offering coverage for dental services, shall ensure that contracted dental provider networks have adequate capacity and availability of licensed health care providers to offer enrollees appointments for covered dental services in accordance with the following requirements:

(A) Urgent appointments within the dental plan network shall be offered within 72 hours of the time of request for appointment, if consistent with the enrollee's individual needs and as required by professionally recognized standards of dental practice.

(B) Nonurgent appointments shall be offered within 36 business days of the request for appointment, except as provided in subparagraph (C).

(C) Preventive dental care appointments shall be offered within 40 business days of the request for appointment.

(7) A plan shall ensure it has sufficient numbers of contracted providers to maintain compliance with the standards established by this section.

(A) This section does not modify the requirements regarding provider-to-enrollee ratio or geographic accessibility established by Section 1300.51, 1300.67.2, or 1300.67.2.1 of Title 28 of the California Code of Regulations.

(B) A plan operating in a service area that has a shortage of one or more types of providers shall ensure timely access to covered health care services as required by this section, including applicable time-elapsed standards, by referring an enrollee to, or, in the case of a preferred provider network, by assisting an enrollee to locate available and accessible contracted providers in neighboring service areas consistent with patterns of practice for obtaining health care services in a timely manner appropriate for the enrollee's health needs. A plan shall arrange for the provision of specialty services from specialists outside the plan's contracted network if unavailable within the network if medically necessary for the enrollee's condition. Enrollee costs for medically necessary referrals to nonnetwork providers shall not exceed applicable copayments, coinsurance, and deductibles. This requirement does not prohibit a plan or its delegated provider group from accommodating an enrollee's preference to wait for a later appointment from a specific contracted provider. If medically necessary treatment of a mental health or substance use disorder is not available in network within the geographic and timely access standards set by law or regulation, a health care service plan shall arrange coverage outside the plan's contracted network in accordance with subdivision (d) of Section 1374.72.

(8) A plan shall provide or arrange for the provision, 24 hours per day, 7 days per week, of triage or screening services by telephone, as defined in subdivision (e).

(A) A plan shall ensure that telephone triage or screening services are provided in a timely manner appropriate for the enrollee's condition, and that the triage or screening waiting time does not exceed 30 minutes.

(B) A plan may provide or arrange for the provision of telephone triage or screening services through one or more of the following means: plan-operated telephone triage or screening services, telephone medical advice services pursuant to Section 1348.8, the plan's contracted primary care and mental health care or substance use disorder provider network, or another method that provides triage or screening services consistent with this section.

(i) A plan that arranges for the provision of telephone triage or screening services through contracted primary care, mental health care, and substance use disorder providers shall require those providers to maintain a procedure for triaging or screening enrollee telephone calls, which, at a minimum, shall include the employment, during and after business hours, of a telephone answering machine, an answering service, or office staff, that shall inform the caller of both of the following:

(I) Regarding the length of wait for a return call from the provider.

(II) How the caller may obtain urgent or emergency care, including, if applicable, how to contact another provider who has agreed to be on call to triage or screen by phone, or if needed, deliver urgent or emergency care.

(ii) A plan that arranges for the provision of triage or screening services through contracted primary care, mental health care, and substance use disorder providers who are unable to meet the time-elapsed standards established in subparagraph (A) shall also provide or arrange for the provision of plan-contracted or operated triage or screening services, which shall, at a minimum, be made available to enrollees affected by that portion of the plan's network.

(iii) An unlicensed staff person handling enrollee calls may ask questions on behalf of a licensed staff person to help ascertain the condition of an insured so that the enrollee may be referred to licensed staff. However, an unlicensed staff person shall not, under any circumstances, use the answers to those questions in an attempt to assess, evaluate, advise, or make a decision regarding the condition of an enrollee or determine when an enrollee needs to be seen by a licensed medical professional.

(9) Dental, vision, chiropractic, and acupuncture plans shall ensure that contracted providers employ an answering service or a telephone answering machine during nonbusiness hours, which provide instructions regarding how an enrollee may obtain urgent or emergency care, including, if applicable, how to contact another provider who has agreed to be on call to triage or screen by phone, or if needed, deliver urgent or emergency care.

(10) A plan shall ensure that, during normal business hours, the waiting time for an enrollee to speak by telephone with a plan customer service representative

knowledgeable and competent regarding the enrollee's questions and concerns shall not exceed 10 minutes.

(b) Dental, vision, chiropractic, and acupuncture plans shall comply with paragraphs (1), (3), (4), (7), (9), and (10) of subdivision (a).

(c) The obligation of a plan to comply with this section shall not be waived if the plan delegates to its medical groups, independent practice associations, or other contracting entities any services or activities that the plan is required to perform. A plan's implementation of this section shall be consistent with the Health Care Providers' Bill of Rights, and a material change in the obligations of a plan's contracting providers shall be considered a material change to the provider contract, within the meaning of subdivision (b) and paragraph (2) of subdivision (h) of Section 1375.7.

(d) A plan shall not prevent, discourage, or discipline a contracting provider or employee for informing an enrollee or subscriber about the timely access standards.

(e) For purposes of this section:

(1) "Advanced access" means the provision, by an individual provider, or by the medical group or independent practice association to which an enrollee is assigned, of appointments with a primary care physician, or other qualified primary care provider such as a nurse practitioner or physician's assistant, within the same or next business day from the time an appointment is requested, and advance scheduling of appointments at a later date if the enrollee prefers not to accept the appointment offered within the same or the next business day.

(2) "Appointment waiting time" means the time from the initial request for health care services by an enrollee or the enrollee's treating provider to the earliest date offered for the appointment for services inclusive of time for obtaining authorization from the plan or completing any other condition or requirement of the plan or its contracting providers.

(3) "Preventive care" means health care provided for prevention and early detection of disease, illness, injury, or another health condition and, in the case of a full service plan includes all of the basic health care services required by paragraph (5) of subdivision (b) of Section 1345, and subdivision (f) of Section 1300.67 of Title 28 of the California Code of Regulations.

(4) "Provider group" has the meaning set forth in subdivision (g) of Section 1373.65.

(5) "Triage" or "screening" means the assessment of an enrollee's health concerns and symptoms via communication with a physician, registered nurse, or other qualified health professional acting within their scope of practice and who is trained to screen or triage an enrollee who may need care for the purpose of determining the urgency of the enrollee's need for care.

(6) "Triage or screening waiting time" means the time waiting to speak by telephone with a physician, registered nurse, or other qualified health professional acting within their scope of practice and who is trained to screen or triage an enrollee who may need care.

(7) "Urgent care" means health care for a condition that requires prompt attention, consistent with paragraph (2) of subdivision (h) of Section 1367.01.

(f) (1) Contracts between health care service plans and health care providers shall ensure compliance with the standards developed under this chapter. These contracts shall require reporting by health care providers to health care service plans and by health care service plans to the department to ensure compliance with the standards.

(2) Health care service plans shall report annually to the department on compliance with the standards in a manner specified by the department. The reported information shall allow consumers to compare the performance of plans and their contracting providers in complying with the standards, as well as changes in the compliance of plans with these standards.

(3) The department shall develop standardized methodologies for reporting that shall be used by health care service plans to demonstrate compliance with this section and any regulations adopted pursuant to it, including demonstration of the average waiting time for each class of appointment regulated under this section. The methodologies shall be sufficient to determine compliance with the standards developed under this section for different networks of providers if a health care service plan uses a different network for Medi-Cal managed care products than for other products or if a health care service plan uses a different network for individual market products than for small group market products. The development and adoption of these methodologies shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) until July 1, 2025. The department shall consult with stakeholders in developing standardized methodologies under this paragraph.

(g) (1) The director may investigate and take enforcement action against plans regarding noncompliance with the requirements of this section. Where substantial harm to an enrollee has occurred as a result of plan noncompliance, the director may, by order, assess administrative penalties subject to appropriate notice of, and the opportunity for, a hearing in accordance with Section 1397. The plan may provide to the director, and the director may consider, information regarding the plan's overall compliance with the requirements of this section. The administrative penalties shall not be deemed an exclusive remedy available to the director. These penalties shall be paid to the Managed Care Administrative Fines and Penalties Fund and shall be used for the purposes specified in Section 1341.45. The director shall periodically evaluate grievances to determine if any audit, investigative, or enforcement actions should be undertaken by the department.

(2) The director may, after appropriate notice and opportunity for hearing in accordance with Section 1397, by order, assess administrative penalties if the director determines that a health care service plan has knowingly committed, or has performed with a frequency that indicates a general business practice, either of the following:

(A) Repeated failure to act promptly and reasonably to assure timely access to care consistent with this chapter.

(B) Repeated failure to act promptly and reasonably to require contracting providers to assure timely access that the plan is required to perform under this chapter and that have been delegated by the plan to the contracting provider when the obligation of the plan to the enrollee or subscriber is reasonably clear.

(C) The administrative penalties available to the director pursuant to this section are not exclusive, and may be sought and employed in any combination with civil, criminal, and other administrative remedies deemed warranted by the director to enforce this chapter.

(3) The administrative penalties shall be paid to the Managed Care Administrative Fines and Penalties Fund and shall be used for the purposes specified in Section 1341.45.

(h) The department shall work with the patient advocate to assure that the quality of care report card incorporates information provided pursuant to subdivision (f) regarding the degree to which health care service plans and health care providers comply with the requirements for timely access to care.

(i) The department shall annually review information regarding compliance with the standards developed under this section and shall make recommendations for changes that further protect enrollees. Commencing no later than December 1, 2015, and annually thereafter, the department shall post its final findings from the review on its internet website.

(j) The department shall post on its internet website any waivers or alternative standards that the department approves under this section on or after January 1, 2015.

(k) This section shall apply to Medi-Cal managed care plan contracts entered into with the State Department of Health Care Services pursuant to Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(l) Nothing in this section shall be construed to prevent the department from developing additional standards to improve timely access to care and network adequacy.

SEC. 3.

Section 1367.031 of the Health and Safety Code is amended to read:

1367.031.

(a) A health care service plan contract that is issued, renewed, or amended on or after July 1, 2017, shall provide information to an enrollee regarding the standards for timely access to care adopted pursuant to Section 1367.03 and the information required by this section, including information related to receipt of interpreter services in a timely manner, no less than annually.

(b) A health care service plan contract that is issued, renewed, or amended on or after July 1, 2022, shall provide information to an enrollee regarding the standards for timely access to care required by Section 1367.032, adopted pursuant to Section 1367.03, and the information required by this section, including information related to receipt of interpreter services in a timely manner, no less than annually.

(c) A health care service plan at a minimum shall provide information regarding appointment wait times for urgent care, nonurgent primary care, nonurgent specialty care, and telephone screening established in Section 1367.032 or pursuant to Section 1367.03 to enrollees and contracting providers. The information shall also include notice of the availability of interpreter services at the time of the appointment pursuant to Section 1367.04. A health care service plan may indicate that exceptions to appointment wait times may apply if the department has found exceptions to be permissible.

(d) The information required to be provided pursuant to this section shall be provided to an enrollee with individual coverage upon initial enrollment and annually thereafter upon renewal, and to enrollees and subscribers with group coverage upon initial enrollment and annually thereafter upon renewal. A health care service plan may include this information with other materials sent to the enrollee. The information shall also be provided in the following manner:

(1) In a separate section of the evidence of coverage titled "Timely Access to Care."

(2) At least annually, in or with newsletters, outreach, or other materials that are routinely disseminated to the plan's enrollees.

(3) Commencing January 1, 2018, in a separate section of the provider directory published and maintained by the health care service plan pursuant to Section 1367.27. The separate section shall be titled "Timely Access to Care."

(4) On the internet website published and maintained by the health care service plan, in a manner that allows enrollees and prospective enrollees to easily locate the information.

(e) (1) A health care service plan shall provide the information required by this section to contracting providers on no less than an annual basis.

(2) A health care service plan shall also inform a contracting provider of all of the following:

(A) Information about a health care service plan's obligation under California law to provide or arrange for timely access to care.

(B) How a contracting provider or enrollee can contact the health care service plan to obtain assistance if a patient is unable to obtain a timely referral to an appropriate provider.

(C) The toll-free telephone number for the Department of Managed Health Care where providers and enrollees can file a complaint if they are unable to obtain a timely referral to an appropriate provider.

(3) A health care service plan may comply with this subdivision by including the information with an existing communication with a contracting provider.

(f) This section shall apply to Medi-Cal managed care plan contracts entered into with the State Department of Health Care Services pursuant to Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 4.

Section 10133.53 of the Insurance Code is amended to read:

10133.53.

(a) (1) A health insurance policy that is issued, renewed, or amended on or after July 1, 2017, that provides benefits through contracts with providers for alternative rates pursuant to Section 10133 shall provide information to an insured regarding the standards for timely access to care adopted pursuant to Section 10133.5 and the information required by this section, including information related to receipt of interpreter services in a timely manner, no less than annually.

(2) A health insurance policy that is issued, renewed, or amended on or after July 1, 2022, that provides benefits through contracts with providers for alternative rates pursuant to Section 10133 shall provide information to an insured regarding the standards for timely access to care required by Section 10133.54, adopted pursuant to Section 10133.5, and the information required by this section, including information related to receipt of interpreter services in a timely manner, no less than annually.

(b) A health insurer that contracts with providers for alternative rates of payment pursuant to Section 10133 shall, at a minimum, provide information regarding appointment wait times for urgent care, nonurgent primary care, nonurgent specialty care, and telephone screening established in Section 10133.54 or pursuant to Section 10133.5 to insureds and contracting providers. The information shall also include notice of the availability of interpreter services at the time of the appointment pursuant to Section 10133.8. A health insurer may indicate that exceptions to appointment wait times may apply if the department has found exceptions to be permissible.

(c) The information required to be provided pursuant to this section shall be provided to an insured with individual coverage upon initial enrollment and annually thereafter upon renewal, and to insureds and group policyholders with group coverage upon initial enrollment and annually thereafter upon renewal. An insurer may include this information with other materials sent to the insured. The information shall also be provided in the following manner:

(1) In a separate section of the evidence of coverage titled "Timely Access to Care."

(2) At least annually, in or with newsletters, outreach, or other materials that are routinely disseminated to the policy's insureds.

(3) Commencing January 1, 2018, in a separate section of the provider directory published and maintained by the insurer pursuant to Section 10133.15. The separate section shall be titled "Timely Access to Care."

(4) On the internet website published and maintained by the insurer, in a manner that allows insureds and prospective insureds to easily locate the information.

(d) (1) A health insurer shall provide the information required by this section to contracting providers on no less than an annual basis.

(2) A health insurer shall also inform a contracting provider of all of the following:

(A) Information about a health insurer's obligation under California law to provide or arrange for timely access to care.

(B) How a contracting provider or insured can contact the health insurer to obtain assistance if a patient is unable to obtain a timely referral to an appropriate provider.

(C) The toll-free telephone number for the Department of Insurance where providers and insureds can file a complaint if they are unable to obtain a timely referral to an appropriate provider.

(3) A health insurer may comply with this subdivision by including the information with an existing communication with a contracting provider.

SEC. 5.

Section 10133.54 is added to the Insurance Code, to read:

10133.54.

(a) This section applies to policies of health insurance, as defined by subdivision (b) of Section 106. The requirements of this section apply to all health care services covered by a health insurance policy.

(b) Notwithstanding Section 10133.5, a health insurer shall comply with the timely access requirements in this section, but a specialized health insurance policy as defined

in subdivision (c) of Section 106, other than a specialized mental health insurance policy, is exempt from the provisions of this section, except as specified in paragraph (6) and subdivision (c).

(1) A health insurer shall provide or arrange for the provision of covered health care services in a timely manner appropriate for the nature of the insured's condition, consistent with good professional practice. An insurer shall establish and maintain provider networks, policies, procedures, and quality assurance monitoring systems and processes sufficient to ensure compliance with this clinical appropriateness standard. An insurer that uses a tiered network shall demonstrate compliance with the standards established by this section based on providers available at the lowest cost-sharing tier.

(2) A health insurer shall ensure that all insurer and provider processes necessary to obtain covered health care services, including, but not limited to, prior authorization processes, are completed in a manner that assures the provision of covered health care services to an insured in a timely manner appropriate for the insured's condition and in compliance with this section.

(3) If it is necessary for a provider or an insured to reschedule an appointment, the appointment shall be promptly rescheduled in a manner that is appropriate for the insured's health care needs, and ensures continuity of care consistent with good professional practice, and consistent with the objectives of Section 10133.5, the regulations adopted pursuant to Section 10133.5, and this section.

(4) Interpreter services required by Section 10133.8 of this code and Article 12.1 (commencing with Section 2538.1) of Title 10 of the California Code of Regulations shall be coordinated with scheduled appointments for health care services in a manner that ensures the provision of interpreter services at the time of the appointment, consistent with Section 2538.6 of Title 10 of the California Code of Regulations, without imposing delay on the scheduling of the appointment. This subdivision does not modify the requirements established in Sections 10133.8 and 10133.9 of this code and Section 2538.6 of Title 10 of the California Code of Regulations, or approved by the department pursuant to Section 2538.6 of Title 10 of the California Code of Regulations for an insurer's language assistance program.

(5) In addition to ensuring compliance with the clinical appropriateness standard set forth in paragraph (1), a health insurer shall ensure that its contracted provider network has adequate capacity and availability of licensed health care providers to offer insureds appointments that meet the following timeframes:

(A) Urgent care appointments for services that do not require prior authorization: within 48 hours of the request for appointment, except as provided in subparagraph (H).

(B) Urgent care appointments for services that require prior authorization: within 96 hours of the request for appointment, except as provided in subparagraph (H).

(C) Nonurgent appointments for primary care: within 10 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(D) Nonurgent appointments with specialist physicians: within 15 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(E) Nonurgent appointments with a nonphysician mental health care or substance use disorder provider: within 10 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(F) Commencing July 1, 2022, nonurgent followup appointments with a nonphysician mental health care or substance use disorder provider: within 10 business days of the prior appointment for those undergoing a course of treatment for an ongoing mental health or substance use disorder condition, except as provided in subparagraph (H). This subparagraph does not limit coverage for nonurgent followup appointments with a nonphysician mental health care or substance use disorder provider to once every 10 business days.

(G) Nonurgent appointments for ancillary services for the diagnosis or treatment of injury, illness, or other health condition: within 15 business days of the request for appointment, except as provided in subparagraphs (H) and (I).

(H) The applicable waiting time for a particular appointment may be extended if the referring or treating licensed health care provider, or the health professional providing triage or screening services, as applicable, acting within the scope of their practice and consistent with professionally recognized standards of practice, has determined and noted in the relevant record that a longer waiting time will not have a detrimental impact on the health of the insured.

(I) Preventive care services, as defined in subdivision (e), and periodic follow up care, including standing referrals to specialists for chronic conditions, periodic office visits to monitor and treat pregnancy, cardiac, mental health, or substance use disorder conditions, and laboratory and radiological monitoring for recurrence of disease, may be scheduled in advance consistent with professionally recognized standards of practice as determined by the treating licensed health care provider acting within the scope of their practice.

(J) A referral to a specialist by a primary care provider or another specialist shall be subject to the relevant time-elapsed standard in subparagraph (A), (B) or (D), unless the requirements in subparagraph (H) or (I) are met, and shall be subject to the other provisions of this section.

(6) (A) The following types of health insurance policies shall be subject to the requirements in subparagraph (B):

(i) A health insurance policy covering the pediatric oral or vision essential health benefit.

(ii) A specialized health insurance policy that provides coverage for the pediatric oral essential health benefit, as defined in paragraph (5) of subdivision (a) of Section 10112.27.

(iii) A specialized health insurance policy that covers dental benefits only, as defined in subdivision (c) of Section 106.

(B) In addition to ensuring compliance with the clinical appropriateness standard set forth in paragraph (1), each health insurance policy specified in subparagraph (A) shall ensure that contracted oral or vision provider networks have adequate capacity and availability of licensed health care providers, including generalist and specialist dentists, ophthalmologists, optometrists, and opticians, to offer insureds appointments for covered oral or vision services in accordance with the following requirements:

(i) Urgent appointments within the plan network shall be offered within 72 hours of the time of request for appointment, if consistent with the insured's individual needs and as required by professionally recognized standards of dental practice.

(ii) Nonurgent appointments shall be offered within 36 business days of the request for appointment, except as provided in clause (iii).

(iii) Preventive care appointments shall be offered within 40 business days of the request for appointment.

(iv) The applicable waiting time for a particular appointment in this paragraph may be extended if the referring or treating licensed health care provider, or the health professional providing triage or screening services, as applicable, acting within the scope of the provider's practice and consistent with professionally recognized standards of practice, has determined and noted in the relevant record that a longer waiting time will not have a detrimental impact on the health of the insured.

(7) An insurer shall ensure it has sufficient numbers of contracted providers to maintain compliance with the standards established by this section.

(A) This section does not modify the requirements regarding accessibility established by Article 6 (commencing with Section 2240) of Title 10 of the California Code of Regulations.

(B) An insurer shall ensure timely access to covered health care services as required by this section, including applicable time-elapsed standards, by assisting an insured to locate available and accessible contracted providers in a timely manner appropriate for the insured's health needs. An insurer shall arrange for the provision of services outside the insurer's contracted network if unavailable within the network if medically necessary for the insured's condition. Insured costs for medically necessary referrals to nonnetwork providers shall not exceed applicable in-network copayments, coinsurance, and deductibles.

(8) An insurer shall provide or arrange for the provision, 24 hours per day, 7 days per week, of triage or screening services by telephone, as defined in subdivision (f).

(A) An insurer shall ensure that telephone triage or screening services are provided in a timely manner appropriate for the insured's condition, and that the triage or screening waiting time does not exceed 30 minutes.

(B) An insurer may provide or arrange for the provision of telephone triage or screening services through one or more of the following means: insurer-operated telephone triage or screening services, telephone medical advice services pursuant to Section 10279, the insurer's contracted primary care and mental health care or substance use disorder provider network, or other method that provides triage or screening services consistent with this section.

(i) An insurer that arranges for the provision of telephone triage or screening services through contracted primary care and mental health care and substance use disorder providers shall require those providers to maintain a procedure for triaging or screening insured telephone calls, which, at a minimum, shall include the employment, during and after business hours, of a telephone answering machine, an answering service, or office staff, that shall inform the caller of both of the following:

(I) Regarding the length of wait for a return call from the provider.

(II) How the caller may obtain urgent or emergency care, including, if applicable, how to contact another provider who has agreed to be on call to triage or screen by phone, or if needed, deliver urgent or emergency care.

(ii) An insurer that arranges for the provision of triage or screening services through contracted primary care and mental health care and substance use disorder providers who are unable to meet the time-elapsd standards established in subparagraph (A) shall also provide or arrange for the provision of insurer-contracted or operated triage or screening services, which shall, at a minimum, be made available to insureds affected by that portion of the insurer's network.

(iii) An unlicensed staff person handling insured calls may ask questions on behalf of a licensed staff person to help ascertain the condition of an insured so that the insured may be referred to licensed staff. However, an unlicensed staff person shall not, under any circumstances, use the answers to those questions in an attempt to assess, evaluate, advise, or make a decision regarding the condition of an insured or determine when an insured needs to be seen by a licensed medical professional.

(9) A health insurance policy providing coverage for the pediatric oral and vision essential health benefit, and a specialized health insurance policy that provides coverage for dental care expenses only, shall require that contracted providers employ an answering service or a telephone answering machine during nonbusiness hours, which provides instructions regarding how an insured may obtain urgent or emergency

care, including, if applicable, how to contact another provider who has agreed to be on call to triage or screen by phone, or if needed, deliver urgent or emergency care.

(10) An insurer shall ensure that, during normal business hours, the waiting time for an insured to speak by telephone with an insurer customer service representative knowledgeable and competent regarding the insured's questions and concerns shall not exceed 10 minutes, or that the covered person will receive a scheduled call-back within 30 minutes.

(c) Notwithstanding subdivision (b), a specialized health insurance policy, as defined in subdivision (c) of Section 106, other than a specialized mental health insurance policy, is exempt from this section, except as specified in this subdivision. A specialized health insurance policy that provides coverage for dental care expenses only shall comply with paragraphs (1), (3), (4), (6), (7), (9), and (10) of subdivision (b).

(d) An insurer shall not prevent, discourage, or discipline a contracting provider or employee for informing an insured or policyholder about the timely access standards.

(e) For purposes of this section:

(1) "Appointment waiting time" means the time from the initial request for health care services by an insured or the insured's treating provider to the earliest date offered for the appointment for services inclusive of time for obtaining authorization from the insurer or completing any other condition or requirement of the insurer or its contracting providers.

(2) "Preventive care" means health care provided for prevention and early detection of disease, illness, injury, or other health condition and includes, but is not limited to, all of the services required by all of the following laws:

(A) Section 146.130 of Title 45 of the Code of Federal Regulations.

(B) Section 10112.2 (incorporating the requirements of Section 2713 of the federal Public Health Service Act (42 U.S.C. Sec. 300gg-13)).

(C) Clause (ii) of subparagraph (A) of paragraph (2) of subdivision (a) of Section 10112.27.

(3) "Provider group" has the meaning set forth in subdivision (v) of Section 10133.15.

(4) "Triage" or "screening" means the assessment of an insured's health concerns and symptoms via communication with a physician, registered nurse, or other qualified health professional acting within their scope of practice and who is trained to screen or triage an insured who may need care for the purpose of determining the urgency of the insured's need for care.

(5) "Triage or screening waiting time" means the time waiting to speak by telephone with a physician, registered nurse, or other qualified health professional acting within their scope of practice and who is trained to screen or triage an insured who may need care.

(6) "Urgent care" means health care for a condition which requires prompt attention, consistent with paragraph (2) of subdivision (h) of Section 10123.135.

(f) The department may issue guidance to insurers regarding annual timely access and network reporting methodologies. The development and adoption of these methodologies shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) until July 1, 2025.

(g) Nothing in this section shall be construed to prevent the department from developing additional standards to improve timely access to care and network adequacy.

SEC. 6.

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

MEMORANDUM

DATE	April 5, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(a)(3)(P) – SB 224 (Portantino) Pupil instruction: mental health education

Background:

This bill would require each school district, county office of education, state special school, and charter school that offers one or more courses in health education to pupils in middle school or high school to include in those courses instruction in mental health that meets the requirements of the bill, as specified. The bill would require that instruction to include, among other things, reasonably designed instruction on the overarching themes and core principles of mental health. The bill would require that instruction and related materials to, among other things, be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. The bill would require the State Department of Education to develop a plan to expand mental health instruction in California public schools on or before January 1, 2024.

Location: Secretary of State

Status: 10/8/2021 Chaptered by Secretary of State. Chapter 675, Statutes of 2021.

Action Requested:

This is for informational purposes only. No action is required at this time.

Attachment A: SB 224 (Portantino) Bill Text

SB-224 (Portantino) Pupil instruction: mental health education.

SECTION 1.

(a) The Legislature finds and declares all of the following:

- (1) Mental health is critical to overall health, well-being, and academic success.*
 - (2) Mental health challenges affect all age groups, races, ethnicities, and socioeconomic classes.*
 - (3) Millions of Californians, including at least one in five youths, live with mental health challenges. Millions more are affected by the mental health challenges of someone else, such as a close friend or family member.*
 - (4) Mental health education is one of the best ways to increase awareness and the seeking of help, while reducing the stigma associated with mental health challenges. The public education system is the most efficient and effective setting for providing this education to all youth.*
- (b) For the foregoing reasons, it is the intent of the Legislature in enacting this measure to ensure that all California pupils in grades 1 to 12, inclusive, have the opportunity to benefit from a comprehensive mental health education.*

SEC. 2.

Article 6 (commencing with Section 51925) is added to Chapter 5.5 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 6. Mandatory Mental Health Education

51925.

Each school district, county office of education, state special school, and charter school that offers one or more courses in health education to pupils in middle school or high school shall include in those courses instruction in mental health that meets the requirements of this article. This section shall not be construed to limit a school district, county office of education, state special school, or charter school in offering or requiring instruction in mental health as specified in this article. This instruction shall include all of the following:

- (a) Reasonably designed instruction on the overarching themes and core principles of mental health.*
- (b) Defining signs and symptoms of common mental health challenges. Depending on pupil age and developmental level, this may include defining conditions such as depression, suicidal thoughts and behaviors, schizophrenia, bipolar disorder, eating disorders, and anxiety, including post-traumatic stress disorder.*

(c) Elucidating the evidence-based services and supports that effectively help individuals manage mental health challenges.

(d) Promoting mental health wellness and protective factors, which includes positive development, social and cultural connectedness and supportive relationships, resiliency, problem solving skills, coping skills, self-esteem, and a positive school and home environment in which pupils feel comfortable.

(e) The ability to identify warning signs of common mental health problems in order to promote awareness and early intervention so that pupils know to take action before a situation turns into a crisis. This shall include instruction on both of the following:

(1) How to seek and find assistance from professionals and services within the school district that includes, but is not limited to, school counselors with a pupil personnel services credential, school psychologists, and school social workers, and in the community for themselves or others.

(2) Evidence-based and culturally responsive practices that are proven to help overcome mental health challenges.

(f) The connection and importance of mental health to overall health and academic success and to co-occurring conditions, such as chronic physical conditions, chemical dependence, and substance abuse.

(g) Awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses, including the impact of race, ethnicity, and culture on the experience and treatment of mental health challenges.

(h) Stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance. This shall include, to the extent possible, classroom presentations of narratives by trained peers and other individuals who have experienced mental health challenges and how they coped with their situations, including how they sought help and acceptance.

51926.

Instruction and materials required pursuant to this article shall satisfy all of the following:

(a) Be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.

(b) Be accessible to pupils with disabilities, including, but not limited to, providing a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.

(c) Not reflect or promote bias against any person on the basis of any category protected by Section 220.

(d) Be coordinated with any existing on-campus mental health providers including, but not limited to, providers with a pupil personnel services credential, who may be immediately called upon by pupils for assistance.

51927.

(a) This article does not limit a pupil's health and mental health privacy or confidentiality rights.

(b) A pupil receiving instruction pursuant to this article shall not be required to disclose their confidential health or mental health information at any time in the course of receiving that instruction, including, but not limited to, for the purpose of the peer component described in subdivision (h) of Section 51925.

51928.

For purposes of this article, the following definitions apply:

(a) "Age appropriate" has the same meaning as defined in Section 51931.

(b) "English learner" has the same meaning as defined in Section 51931.

(c) "Evidence-based" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the mental health field.

(d) "Instructors trained in the appropriate courses" means instructors with knowledge of the most recent evidence-based research on mental health.

51929.

On or before January 1, 2024, the department shall develop a plan to expand mental health instruction in California public schools.

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(A) – AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

Background:

This bill would authorize a prospective applicant that has been convicted of a crime to submit to any board or bureau a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require the Board that receives that request to determine if the prospective applicant would be disqualified from licensure by the Board based on the information submitted with the request and deliver that determination to the prospective applicant.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board **Oppose** AB 1662 (Gipson).

Location: Assembly Committee on Business and Professions

Status: 4/5/2022 – In committee: Set, first hearing. Hearing canceled at the request of the author.

Calendar: 4/26/2022 – Assembly Business and Professions, 9:30 a.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board **Oppose** AB 1662 (Gipson).

Attachment A: AB 1662 (Gipson) Analysis

Attachment B: AB 1662 (Gipson) Bill Text

2022 Bill Analysis

Author: Assembly Member Mike Gipson	Bill Number: AB 1662	Related Bills (see pg. 3): SB 1365 (2022) AB 1076 (2019) AB 2138 (2018)
Sponsor: Unknown	Version: Introduced	
Subject: Licensing boards: disqualification from licensure: criminal conviction.		

SUMMARY

This bill would authorize a prospective applicant that has been convicted of a crime to submit to any board or bureau a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require the Board that receives that request to determine if the prospective applicant would be disqualified from licensure by the Board based on the information submitted with the request and deliver that determination to the prospective applicant.

RECOMMENDATION

OPPOSE – On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted an Oppose position per staff recommendation, and the Committee requests the full Board do the same.

Board Staff recommends this position because of the following concerns:

- Significant cost pressures.
- Liability and risk.
- Increased workload.
- Omission of charging fees to prospect applicants.
- Unanswered questions and lack of specificity.

REASON FOR THE BILL

According to the author, “AB 1662 is focused on getting people back to work, improving access to licensed professions, and eliminating barriers that keep individuals that are going through the re-entry process from obtaining a license. We are talking about an untapped pool of job talent who are ready to work and contribute to society but have historically faced the most barriers at a very basic level. This is about opportunity and hope for those that have been held accountable and paid their dues and deserve a second chance. One of the main barriers that folks face when trying to apply for a licensed profession is the expensive tuition that comes with training and courses one needs to take just to find out that they were denied due to their criminal record. This bill

would provide notice on whether their record will disqualify them from receiving an occupational license, prior to financial and educational investment in the requirements for the license.”

ANALYSIS

This bill would allow any individual to submit a request for determination at any time, as to whether one or multiple convictions they received, would disqualify them from licensure based on the information submitted with the request. Board Staff has the following concerns:

Cost to the Board:

Currently, applications for licensure or registration with a history of convictions or administrative discipline are reviewed by the Board’s Enforcement Unit, with no cost to the applicant. This review is to determine if the conviction or discipline is substantially related to the qualifications, functions, or duties of the profession of psychology, and whether that conviction or discipline should cause the Board to deny the application. Each one of these referrals requires a Staff Services Analyst to spend four and a half hours to review each case, on average.

Additionally, the Board is facing a structural imbalance, and is expected to be insolvent in fiscal year 2024-2025 which begins on July 1, 2024.

Because this bill would allow any individual to submit a request for preapplication determination at any time, including prior to receiving any education towards licensure, Board staff are unable to quantify the number of requests the Board may receive or the cost to the Board to absorb these requests should this bill be signed into law.

Currently, the Board completes reviews applicants’ criminal history at the end of the application process. This bill would require the Enforcement Unit to complete the review process for both applicants and potential applicants. Part of the applicants’ application fees pay for this review. As written, the bill does not allow the Board to charge for preapplication determination and the tasks associated with making the determination. Based on the structural imbalance, the Board would have to recoup the costs of this work, and one way to accomplish that is through charging a fee to pre-applicants.

The Board did provide the Department of Consumer Affairs with an estimation based on a three-year average of applications reviewed by the Enforcement Unit. This calculation is included under the Fiscal Impact.

Liability and Risk:

Currently, Board staff has concerns about the liability issues within the bill. If the Board is required to rely on information provided by the applicant, would the Board be held liable if the predetermination is inaccurate?

Lack of Specificity:

In multiple instances this bill lacks specificity and leaves questions unanswered about processes. These questions include:

- What documents can the Board require for a preapplication determination?
- What constitutes a reasonable amount of time for the Board to complete its review and provide the response?
- Can the Board request additional information from the pre-applicant or from the Department of Justice to complete its review?

LEGISLATIVE HISTORY

SB 1365 (Jones): Licensing boards: procedures.

Session: 2021-22

Would require each board or bureau within DCA to post on its website a list of criteria used to evaluate applicants with criminal convictions so potential applicants can understand their probability of gaining licensure. It would require DCA to develop an informal process for verifying applicant information, including performing background checks of applicants and requiring applicants with prior convictions to provide certified court documents so that the proper convictions are recorded in the process. This bill is set to be heard in Senate Public Safety on April 16, 2022.

AB 1076 (Ting): Criminal records: automatic relief.

Session: 2019-20

Chapter 578, Statutes of 2019

Requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a weekly basis, identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion to being filed on the person's behalf.

AB 2138 (Chiu): Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Session: 2017-18

Chapter 995, Statutes of 2018

Reduces barriers to licensure for individuals with prior criminal convictions by limiting a board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years no longer eligible for license denial, with several enumerated exemptions.

OTHER STATES' INFORMATION

Not Applicable

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To

accomplish this, the Board regulates licensed psychologists and psychological associates.

FISCAL IMPACT

The Department of Consumer Affairs requested the Board provide data on what the bill would cost the Board. In response, the Board used 172.67 cases per year, which is a three-year average of enforcement reviews, at four and a half hours per case review, using a Staff Services Analyst position. The total the Board provided to the Department of Consumer Affairs, is \$41,663.54 annually.

Additionally, the Board would need to request 0.5 Staff Service Analyst positions to meet the workload as required by the bill.

ECONOMIC IMPACT

Not Applicable

LEGAL IMPACT

Not Applicable

APPOINTMENTS

Not Applicable

SUPPORT/OPPOSITION

Support: Unknown.

Opposition: Unknown.

ARGUMENTS

Proponents: Not Applicable.

Opponents: Not Applicable.

AB-1662 Licensing boards: disqualification from licensure: criminal conviction

SECTION 1.

Section 480 of the Business and Professions Code is amended to read:

480.

(a) Notwithstanding any ~~other~~ provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

(i) Chapter 6 (commencing with Section 6500) of Division 3.

(ii) Chapter 9 (commencing with Section 7000) of Division 3.

(iii) Chapter 11.3 (commencing with Section 7512) of Division 3.

(iv) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(v) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section

1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any ~~other~~ provision of this code, a person shall not be denied a license on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any ~~other~~ provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any ~~other~~ provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

- (A) The denial or disqualification of licensure.
- (B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.
- (C) That the applicant has the right to appeal the board's decision.
- (D) The processes for the applicant to request a copy of the applicant's complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) A prospective applicant that has been convicted of a crime may submit to a board, by mail or email, and at any time, including before obtaining any training or education required for licensure by that board or before paying any application fee, a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.

(2) Upon receiving a request submitted pursuant to paragraph (1), a board shall determine if the prospective applicant may be disqualified from licensure by the board based on the information submitted with the request, and deliver the determination by mail or email to the prospective applicant within a reasonable time.

~~(g)~~ (h) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

- (A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.
 - (B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.
 - (C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.
 - (D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).
- (3) (A) Each board under this code shall annually make available to the public through the board's internet website and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.
- (B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

~~(h)~~ (i) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

~~(i)~~ (j) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

~~(j) This section shall become operative on July 1, 2020.~~

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(B) – AB 1733 (Quirk) State bodies: open meetings.

Background:

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public.

The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely.

The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting.

Additionally, this bill would take effect immediately.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board take a **Support if Amended** position on AB 1733 (Quirk).

Location: Assembly Committees on Governmental Organization

Status: 2/18/2022 Referred to Committees on Governmental Organization and Business and Professions

Calendar: 4/20/2022 – Assembly Governmental Organization, 1:30 p.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board take a **Support if Amended** position on AB 1733 (Quirk).

Attachment A: AB 1733 (Quirk) Analysis

Attachment B: AB 1733 (Quirk) Bill Text

2022 Bill Analysis

Author: Assembly Member Bill Quirk	Bill Number: AB 1733	Related Bills: AB 1795 (2022) AB 885 (2021) AB 361 (2021)
Sponsor: Unknown	Version: Introduced	
Subject: State bodies: open meetings		

SUMMARY

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public.

The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely.

The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting.

Additionally, this bill would take effect immediately.

RECOMMENDATION

SUPPORT IF AMENDED – On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted a Support if Amended position per staff recommendation, and the Committee requests the full Board do the same.

The Board would like the option of either having in person meetings or remote meetings without the requirement of a hybrid meeting. Offsite location technology is both unpredictable and costly. Giving boards the option of either in person or remote meetings is fiscally responsible while still encouraging more public participation overall.

Summary of Suggested Amendments

- Provides a state body the option to hold an open meeting by teleconference (applies to Section 3 of the bill only).

REASON FOR THE BILL

Unavailable.

ANALYSIS

In March of 2020, the Governor issued Executive Order N-29-20, which stated that: "Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived. All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures."

On September 16, 2021, Governor Newsom signed AB 361 (Robert Rivas – Chapter 165), which authorized state bodies to provide a teleconferencing option for meetings via audio or audiovisual means, through January 31, 2022, thereby extending N-29-20. Additionally, Governor Newsom signed Executive Order N-1-22 to extend N-29-20 and AB 361 to authorize state bodies to conduct meetings through teleconference through April 1, 2022.

Since April 2020, the Board has conducted public meetings through WebEx, a teleconferencing and videoconferencing service that allows public participants to listen to the meeting, provide public comment, and view documents through the platform. Other Department of Consumer Affairs boards and bureaus have used WebEx for public meetings as well. Using this platform has allowed Board Members, staff, and the public to participate in the meetings from home and maintain social distancing requirements.

Given the Board's looming fiscal insolvency, using a teleconferencing platform has had significant cost savings. Prior to the use of remote meetings, the Board would pay for expenses for Board Members to attend physical, in-person meetings. These expenses included flight, lodging, and transportation. Additionally, at times the Board would have to pay for the cost of reserving the physical meeting room. The Board's Members live all over the State and the full Board meets four times a year. Therefore, the Board would like to have the option of conducting meetings remotely without the requirement of an in-person meeting for the foreseeable future.

LEGISLATIVE HISTORY

AB 1795 (Fong): Open meetings: remote participation.

Session: 2021-22

Status: Referred to Assembly Governmental Organization Committee

Would require state boards that previously held exemptions from the Bagley-Keene Open Meeting Act to create access for persons who wish to attend the body's meetings. Specifically, this bill would require all state boards to be accessible for participation both in-person and remotely.

AB 885 (Quirk): Bagley-Keene Open Meeting Act: teleconferencing.

Session: 2021-22

Status: Dead (Did not meet House of Origin deadline)

This bill would have required a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. It would have required a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would have further required any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting.

AB 361 (Robert Rivas): Open meetings: state and local agencies: teleconferences.

Session: 2021-22

Status: Chapter 165, Statutes of 2021

Authorizes state bodies subject to the Bagley-Keene Act to provide a teleconferencing option—which may be via audio or audiovisual means—for its meetings for the benefit of the public, subject to relevant requirements. This bill also extended the Governor's Executive Order N-29-20 for remote Bagley-Keene meetings through January 31, 2022.

OTHER STATES' INFORMATION

Since the COVID-19 pandemic affected the entire country, many states had agencies and boards switch from in-person meetings to remote meetings that utilized online platforms with teleconferencing or videoconferencing technology. However, Texas has the most readily available information on their policies and laws on remote public meetings.

Texas

Texas' Government Code section 551, Subchapter F addresses meetings by telephone, videoconference, and the Internet. Some specific governmental bodies possess broad authority to use different technologies to conduct their meetings remotely, regardless of the type of meeting held. In the absence of authority specific to the governmental body, general provisions allow for teleconferencing or videoconferencing in limited circumstances.

Unless a specific statute provides otherwise, a meeting by teleconference call may be held only if: (1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and (2) the convening at one location of a quorum of the governmental body is difficult or impossible; or (3) the meeting is held by an advisory board.

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and psychological associates.

Since April 2020, the Board has conducted public meetings through WebEx, a teleconferencing and videoconferencing service that allows public participants to listen to the meeting, provide public comment, and view documents through the platform. Other Department of Consumer Affairs boards and bureaus have used WebEx for public meetings as well. Using this platform has allowed Board Members and staff to continue having productive meetings, and allowed the public to participate in the meetings while maintaining COVID health and safety protocols.

FISCAL IMPACT

Depending on how many teleconference meetings are utilized, Board staff believe this bill could save between \$40,000 and \$60,000 annually.

ECONOMIC IMPACT

Not Applicable.

LEGAL IMPACT

Not Applicable.

APPOINTMENTS

Not Applicable.

SUPPORT/OPPOSITION

Support: Unknown.

Opposition: Unknown.

ARGUMENTS

Proponents: Not Applicable.

Opponents: Not Applicable.

AMENDMENTS**SEC. 3.**

Section 11123 of the Government Code is amended to read:

11123.

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article ~~requires~~ allows a state body to hold an open- meeting by teleconference for the benefit of the public and state body, and allows for use of teleconference in closed sessions. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including all of the following:

(A) The teleconferenced meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public at any physical location specified in the notice of the meeting shall be visible and audible to the public at the location specified in the notice of the meeting.

(C) The state body shall conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The state body shall provide a means by which the public may remotely hear audio of the meeting or remotely hear and observe the meeting, and a means by which the public may remotely address the state body, as appropriate, via either a two-way audio-visual platform or a two-way telephonic service. Should the state body elect to use a two-way telephonic service only, it must also provide live webcasting of the open meeting. The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be specified in any notice required by this article. The agenda shall provide an opportunity for members of the public to remotely address the state body directly pursuant to Section 11125.7.

(D) The state body shall provide members of the public with a physical location at which the public may hear, observe, and address the state body. Each physical location shall be identified in the notice of the meeting.

(E) Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.

(F) The members of the state body may remotely participate in a meeting. The members of the state body may also be physically present and participate at a designated physical meeting location, but no member of the state body shall be required to be physically present at any physical meeting location designated in the notice of the meeting in order to be deemed present at the meeting. All votes taken during a teleconferenced meeting shall be by rollcall.

(G) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings. The state body shall post the agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The notice and agenda shall not disclose information regarding any remote location from which a member is participating.

(H) Upon discovering that a means of remote participation required by this section has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on the state body's internet website and by email to any person who has requested notice of meetings of the state body by email under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

(2) For the purposes of this subdivision, all of the following definitions shall apply:

(A) "Teleconference" means a meeting of a state body that provides for a connection by electronic means, including by telephone, an internet website, or other online platform, through audio and video. This section does not prohibit a state body from providing members of the public with additional physical locations in which the public may observe and address the state body by electronic means, through either audio or both audio and video.

(B) "Remote location" means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(C) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute participation remotely.

(D) "Two-way audio-visual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(E) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audio-visual platform, and allows participants to dial a telephone number to listen and verbally participate.

(F) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers. This section does not prohibit a state body from providing members of the public with additional physical locations in which the public may observe and address the state body by electronic means.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(d) A state body that is organized within the Department of Consumer Affairs and meets at least two times each calendar year shall be deemed to have met the requirements of subdivision (a) of Section 101.7 of the Business and Professions Code.

(e) This section shall not be construed to deny state bodies the ability to encourage full participation by appointees with developmental or other disabilities.

(f) If a member of a state body attends a meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or

older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

AB-1733 State bodies: open meetings

SECTION 1.

Section 101.7 of the Business and Professions Code is amended to read:

101.7.

(a) Notwithstanding any other provision of law, boards shall meet at least two times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its ~~licensees~~. *licensees, unless the board's meetings are held entirely by teleconference.*

(b) The director has discretion to exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least two times in a calendar year.

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

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

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

SEC. 2.

Section 11122.5 of the Government Code is amended to read:

11122.5.

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and ~~place~~ *place, including one held entirely by teleconference*, to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) (1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members

of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2) (A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

SEC. 3.

Section 11123 of the Government Code is amended to read:

11123.

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from holding to hold~~ an open ~~or closed~~ meeting by teleconference for the benefit of the public and state ~~body-~~ *body,* *and allows for use of teleconference in closed sessions.* The meeting or proceeding

held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including *all of* the following:

(A) The ~~teleconferencing~~ *teleconferenced* meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public ~~shall be at any physical location specified in the notice of the meeting shall be visible and~~ audible to the public at the location specified in the notice of the meeting.

(C) ~~If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and~~ *The state body shall* conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. ~~Each teleconference location shall be identified in the notice and agenda~~ *The state body shall provide a means by which the public may remotely hear audio of the meeting or proceeding, and each teleconference location shall be accessible to the public. remotely hear and observe the meeting, and a means by which the public may remotely address the state body, as appropriate, via either a two-way audio-visual platform or a two-way telephonic service. Should the state body elect to use a two-way telephonic service only, it must also provide live webcasting of the open meeting. The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be specified in any notice required by this article.* The agenda shall provide an opportunity for members of the public to *remotely* address the state body directly pursuant to Section ~~11125.7 at each teleconference location.~~ *11125.7.*

(D) *The state body shall provide members of the public with a physical location at which the public may hear, observe, and address the state body. Each physical location shall be identified in the notice of the meeting.*

(E) *Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.*

~~(D)~~ (F) *The members of the state body may remotely participate in a meeting. The members of the state body may also be physically present and participate at a designated physical meeting location, but no member of the state body shall be required to be physically present at any physical meeting location designated in the notice of the meeting in order to be deemed present at the meeting.* All votes taken during a teleconferenced meeting shall be by rollcall.

~~(E)~~ (G) ~~The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.~~ *This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings. The state body shall post the agenda on its internet website and,*

on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The notice and agenda shall not disclose information regarding any remote location from which a member is participating.

~~(F) (H) At least one member of~~ Upon discovering that a means of remote participation required by this section has failed during a meeting and cannot be restored, the state body shall ~~be physically present at the location specified in the~~ end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on the state body's internet website and by email to any person who has requested notice of meetings of the state body by email under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

(2) For the purposes of this subdivision, all of the following definitions shall apply:

~~(2) (A) For the purposes of this subdivision, "teleconference"~~ "Teleconference" means a meeting of a state ~~body, the members of which are at different locations,~~ ~~connected~~ body that provides for a connection by electronic means, ~~through either audio or both~~ including by telephone, an internet website, or other online platform, ~~through~~ audio and video. This section does not prohibit a state body from providing members of the public with additional *physical* locations in which the public may observe ~~or~~ *and* address the state body by electronic means, through either audio or both audio and video.

(B) "Remote location" means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(C) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute participation remotely.

(D) "Two-way audio-visual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(E) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audio-visual platform, and allows participants to dial a telephone number to listen and verbally participate.

(F) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers. This section does not prohibit a state body from providing

members of the public with additional physical locations in which the public may observe and address the state body by electronic means.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(d) A state body that is organized within the Department of Consumer Affairs and meets at least two times each calendar year shall be deemed to have met the requirements of subdivision (a) of Section 101.7 of the Business and Professions Code.

(e) This section shall not be construed to deny state bodies the ability to encourage full participation by appointees with developmental or other disabilities.

(f) If a member of a state body attends a meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

SEC. 4.

Section 11123.5 of the Government Code is repealed.

~~11123.5.~~

~~(a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123, any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.~~

~~(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section's requirements shall be listed in the minutes of the meeting.~~

~~(c) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its Internet Web site and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (e).~~

~~(d) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting at least 10 days in advance of the meeting. The agenda shall include information regarding the physical meeting location designated pursuant to subdivision (e), but is not required to disclose information regarding any remote location.~~

~~(e) A state body described in subdivision (a) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. A quorum of the members of the state~~

~~body shall be in attendance at the primary physical meeting location, and members of the state body participating remotely shall not count towards establishing a quorum. All decisions taken during a meeting by teleconference shall be by rollcall vote. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.~~

~~(f) When a member of a state body described in subdivision (a) participates remotely in a meeting subject to this section's requirements, the state body shall provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to members of the state body participating remotely. The applicable teleconference phone number or Internet Web site, or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice described in subdivision (a) that is available to the public.~~

~~(g) Upon discovering that a means of remote access required by subdivision (f) has failed during a meeting, the state body described in subdivision (a) shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its Internet Web site and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.~~

~~(h) For purposes of this section:~~

~~(1) "Participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.~~

~~(2) "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.~~

~~(3) "Teleconference" has the same meaning as in Section 11123.~~

~~(i) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article.~~

SEC. 5.

Section 11124 of the Government Code is amended to read:

11124.

(a) No person shall be required, as a condition to attendance at a meeting of a state body, to register ~~his or her~~ *the person's* name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to ~~his or her~~ *the person's* attendance.

(b) If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or *electronically posted, or* is circulated to persons present during the meeting, it shall state clearly that

the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(c) This section does not apply to an internet website or other online platform that may require identification to log into a teleconference.

SEC. 6.

Section 11125 of the Government Code is amended to read:

11125.

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the ~~Internet-~~ *state body's internet website* at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the ~~Internet-site~~ *internet website* where notices required by this article are made available. *The notice shall specify the means by which a meeting may be accessed by teleconference in accordance with the requirements of subparagraph (C) of paragraph (1) of subdivision (b) of Section 11123, including sufficient information necessary to access the teleconference. The notice shall also specify any designated physical meeting location at which the public may observe and address the state body.*

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

~~(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.~~

~~(d)~~ (c) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

~~(e)~~ (d) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

~~(f)~~ (e) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(f) State bodies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

SEC. 7.

Section 11125.4 of the Government Code is amended to read:

11125.4.

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or when immediate action is required to protect the public interest:

(1) To consider "pending litigation" as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(10) To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by

newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the ~~Internet-Web site-~~ *internet website* where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the ~~Internet-~~ *state body's internet website*. Failure to adopt the finding terminates the meeting.

SEC. 8.

Section 11128.5 of the Government Code is amended to read:

11128.5.

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and ~~place-~~ *place, including by teleconference*, specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and ~~place-and he or she-~~ *place, including by teleconference, and the clerk or the secretary* shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on *the state body's internet website, and if applicable, on* or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

SEC. 9.

Section 11129 of the Government Code is amended to read:

11129.

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on *the state body's internet website, and if applicable, on* or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

SEC. 10.

It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, and related executive orders, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 11.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect public health, expand access to government participation by the public, and increase transparency in state government operations during the COVID-19 pandemic, it is necessary that this act take effect immediately.

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(C) – AB 2123 (Villapudua) Bringing Health Care into Communities Act of 2023

Background:

This bill, the Bringing Health Care into Communities Act of 2023, would establish the Bringing Health Care into Communities Program to be administered by the agency to provide housing grants to specified health professionals to be used for mortgage payments for a permanent residence in a health professional shortage area, as specified. Under the bill, a health professional would be eligible for a grant for up to 5 years. The bill would make its provisions operative upon appropriation by the Legislature.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board take a **Support if Amended** position on AB 2123 (Villapudua).

Location: Assembly Committees on Housing and Community Development, and Health

Status: 4/7/22 From committee chair, with author's amendments: Amend, and refer to Com. on H. & C.D. Read second time and amended.

Calendar: 4/20/22 – Assembly Housing and Community Development, 9:00 a.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board take a **Support if Amended** position on AB 2123 (Villapudua).

Attachment A: AB 2123 (Villapudua) Analysis

Attachment B: AB 2123 (Villapudua) Bill Text

2022 Bill Analysis

Author: Assembly Member Carlos Villapudua	Bill Number: AB 2123	Related Bills:
Sponsor: Unknown.	Version: Amended 4/7/2022	
Subject: Bringing Health Care into Communities Act of 2023.		

SUMMARY

The Bringing Healthcare into Communities Act, AB 2123, would increase the number of medical professionals in federally designated California Health Professional Shortage Areas by offering five years of housing grants for mortgage payments for a permanent residence to the health professionals who practice and live in these areas. The housing grants would be provided by the California Housing Finance Agency. This bill would be operative upon an appropriation from the Legislature.

RECOMMENDATION

SUPPORT IF AMENDED - On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted a Support if Amended position per staff recommendation, and the Committee requests the full Board do the same.

Summary of Suggested Amendments

- Specify that licensed psychologists and registered psychological associates are eligible for housing grants.

REASON FOR THE BILL

The author states, "Health Professional Shortage Area (HPSA) designations are used to identify areas and population groups within the United States that are experiencing a shortage of health professionals. There are three categories of HPSA designation based on the health discipline that is experiencing a shortage: 1) primary medical; 2) dental; and 3) mental health. The primary factor used to determine a HPSA designation is the number of health professionals relative to the population with consideration of high need. Federal regulations stipulate that, in order to be considered as having a shortage of providers, an area must have a population-to-provider ratio of a certain threshold."

"According to a 2020 California Health Care Foundation (CHCF) publication titled: Shortchanged: Health Workforce Gaps in California, an estimated 11,226,111 people in California live in an area that has a shortage of primary care providers. Approximately

150,675 people are experiencing homelessness and in need of housing, health, and social services.”

“The data provided in the CHCF publication and many other publications and reports illustrate the magnitude of the health workforce shortages around the state where almost a third of Californians are in a Primary Care Health Professional Shortage Area, including people who are experiencing homelessness — many of whom have extensive health needs. Those who live on the streets die an average of 20 years earlier than people who are housed.”

“Having access to a health care provider is an important part of increasing health outcomes and reducing morbidity and ultimately improve quality of life.”

“California continues to experience shortages of health professionals, particularly in areas designated as federal health professional shortage areas (HPSA). Individuals living in HPSAs have reduced health outcomes due to the lack of availability of medical care. One of the biggest issues that individuals who reside in rural areas continue to face is access to health care services due to a shortage of health professionals who live and work in those communities. California is a state in which over 75% of the land mass is classified as rural (Wilburn 2002). In 2020, California led the nation in federally designated Health Professional Shortage Areas. This continues to threaten the wellbeing of too many communities across our state as we aim to expand access to health insurance to every resident of California.”

“AB 2123 seeks to increase the number of health professionals in HPSAs by providing housing grants to specified health professionals to be used for mortgage payments. This bill also seeks to ensure health professionals will become part of the communities they serve and will ensure rural residents have access to the healthcare they need and deserve.”

ANALYSIS

The California Housing Finance Agency (CalHFA) was established in 1975 and has served as the state’s affordable housing lender. Its Single-Family Division provides first mortgage loans and down payment assistance to first-time homebuyers. CalHFA is a completely self-supporting state agency, and its bonds are repaid by revenues generated through mortgage loans. Since AB 2123 would be funded through CalHFA, this bill has no cost to the Board or its licensees. Additionally, this bill would be operative upon an appropriation from the Legislature.

There is an existing program in the State that support professionals with loan repayment or scholarships outside of taxpayer funding. The Health Professions Education Foundation (HPEF) was established in 1987 and is the state's only non-profit foundation statutorily created to encourage persons from underrepresented communities to become health professionals and increase access to health providers in medically underserved areas. Supported by Board licensing fees, grants, donations, and special

funds, HPEF provides scholarship and loan repayment programs to students and graduates who agree to practice in California's medically underserved communities.

Within the HPEF exists the Licensed Mental Health Services Provider Education Program, which is funded through a \$20 surcharge from renewal fees of psychologists, marriage and family therapists, and licensed clinical social workers in California. The surcharges paid by psychologists are not given to other license types. Eligible applicants may receive loan repayments of up to \$15,000 in exchange for a 24-month service obligation practicing and providing direct client care in a publicly funded mental health facility, a nonprofit mental health facility, a mental health professions shortage area, a veteran's, correctional, or a county facility or in the public mental health system. The purpose of this program is to increase the number of appropriately trained mental healthcare professionals providing direct care in a qualified facility in California.

The Board has a long-standing history of supporting legislative proposals that improve access to psychological services. This bill could better serve the Board's licensees and registrants if they are explicitly mentioned as potential recipients of mortgage relief.

LEGISLATIVE HISTORY

Not Applicable.

OTHER STATES' INFORMATION

Not Applicable.

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and psychological associates.

FISCAL IMPACT

This bill does not have a fiscal impact to the Board since it provides mortgage relief to individual health care providers.

ECONOMIC IMPACT

If amended to include licensed psychologists and registered psychological associates, this bill could increase access to psychological care in rural and underserved communities through mortgage relief.

LEGAL IMPACT

Not Applicable.

APPOINTMENTS

Not Applicable.

SUPPORT/OPPOSITION

Support: Unknown.

Opposition: Unknown.

ARGUMENTS

Proponents: Not Applicable.

Opponents: Not Applicable.

AMENDMENTS

SECTION 1. The Legislature finds and declares all of the following:

(a) California continues to experience shortages of health professionals, particularly in areas declared to be health professional shortage areas.

(b) Individuals living in health professional shortage areas have reduced health outcomes due to the lack of availability of medical care.

(c) Incentivizing health professionals to own homes in those health professional shortage areas would encourage health professionals to become permanently tied to and serving those areas.

SEC. 2. Chapter 9 (commencing with Section 50260) is added to Part 1 of Division 31 of the Health and Safety Code, to read:

CHAPTER 9. Bringing Health care into Communities Act of 2023.

50260. This act shall be known, and may be cited, as the Bringing Health Care into Communities Act of 2023.

50261. (a) The Bringing Health Care into Communities Program is hereby established with the purpose of providing housing assistance grants in accordance with this chapter.

(b) The agency shall administer the program. The agency shall provide housing grants to health professionals listed in Section 50262 to be used for mortgage payments for a permanent residence in a health professional shortage area, as designated by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.

(c) A health professional eligible for a grant pursuant to this chapter shall be eligible for up to five years.

(d) A health professional who begins receiving a housing grant based on residency in a health professional shortage area is eligible to continue to receive a housing grant

pursuant to this chapter if that area is no longer a health professional shortage area but shall not receive a housing grant for more than five years.

50262. The following health professionals are eligible for housing grants pursuant to this chapter:

- (a) Primary care physicians.
- (b) Primary care dentists.
- (c) Dental hygienists.
- (d) Primary care physician assistants.
- (e) Primary care nurse practitioners.
- (f) Certified nurse-midwives.
- (g) Pharmacists.
- (h) Mental health providers, including licensed psychologists and registered psychological associates, as defined by Business and Professions Code sections 2902 and 2913, respectively.
- (i) Behavioral health providers.

50263. This chapter shall become operative upon appropriation by the Legislature for the purpose of implementing the provisions of this chapter.

AB 2123 (Villapudua) Bringing Health Care into Communities Act of 2023.

SECTION 1.

SEC. 2.

Chapter 9 (commencing with Section 50260) is added to Part 1 of Division 31 of the Health and Safety Code, to read:

CHAPTER 9. Bringing Health-care Care into Communities Act of ~~2023.~~ 2023

50260.

This act shall be known, and may be cited, as the Bringing Health Care into Communities Act of 2023.

50261.

(a) The Bringing Health Care into Communities Program is hereby established with the purpose of providing housing assistance grants in accordance with this chapter.

(b) The agency shall administer the program. The agency shall provide housing grants to health professionals listed in Section 50262 to be used for mortgage payments for a permanent residence in a health professional shortage area, as designated by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.

(c) A health professional eligible for a grant pursuant to this chapter shall be eligible for up to five years.

(d) A health professional who begins receiving a housing grant based on residency in a health professional shortage area is eligible to continue to receive a housing grant pursuant to this chapter if that area is no longer a health professional shortage area but shall not receive a housing grant for more than five years.

50262.

The following health professionals are eligible for housing grants pursuant to this ~~chapter.~~ *chapter:*

(a) Primary care physicians.

(b) ~~Dentists.~~ *Primary care dentists.*

(c) Dental hygienists.

(d) ~~Physician~~ *Primary care physician* assistants.

(e) ~~Nurse~~ *Primary care nurse* practitioners.

(f) Certified ~~nurse-midwives.~~ *nurse-midwives.*

(g) Pharmacists.

(h) Mental health providers.

(i) Behavioral health providers.

50263.

This chapter shall ~~be~~ *become* operative upon appropriation by the ~~Legislature.~~ *Legislature for the purpose of implementing the provisions of this chapter.*

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(D) – AB 2754 (Bauer-Kahan) Psychology: supervising psychologists: qualifications

Background:

This bill would require the Board of Psychology (Board) to establish regulations for supervising psychologists to include audio and visual modalities.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board take a **Support if Amended** position on AB 2754 (Bauer-Kahan).

Location: Assembly Committee on Business and Professions

Status: 3/17/2022 Referred to Committee on Business and Professions.

Calendar: 4/26/2022 Assembly Business and Professions, 9:30 a.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board take a **Support if Amended** position on AB 2754 (Bauer-Kahan).

Attachment A: AB 2754 (Bauer-Kahan) Analysis

Attachment B: AB 2754 (Bauer-Kahan) Bill Text

2022 Bill Analysis

Author: Assembly Member Bauer-Kahan	Bill Number: AB 2754	Related Bills:
Sponsor: California Psychological Association (CPA)	Version: Introduced	
Subject: Psychology: supervising psychologists: qualifications.		

SUMMARY

This bill would require the Board of Psychology (Board) to establish regulations for supervising psychologists to include audio and visual modalities.

RECOMMENDATION

SUPPORT IF AMENDED – On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted a Support if Amended position per staff recommendation, and the Committee requests the full Board do the same.

The Board's proposed amendments can be found at the end of this analysis.

Summary of Suggested Amendments

- Clarifying the definition of “real-time” in relation to supervision to include in-person or synchronous audio-visual means in compliance with federal and state laws related to patient health confidentiality.
- Adds an urgency clause.

REASON FOR THE BILL

According to the author: “The COVID-19 pandemic has exacerbated mental health conditions and as a result, there is a critical need for more mental health professionals. In addition, California is experiencing a dire shortage of mental health professionals and grappling with meeting this need. According to the Healthforce Center, California is on track to lose 41% of its psychiatrists and 11% of its psychologists in the next decade. This is on top of the existing scarcity.”

“Under current law, psychology trainees in California are required to receive 3,000 hours of supervised professional experience as a condition to receive their license to practice. As part of those hours, trainees are required to be supervised by appropriate psychologist for 10% of the total time worked each week – and have at least one hour per week of face-to-face, direct, individual supervision with their primary supervisor.”

This means that, at least once every week, during a two-year period, a trainee has no choice but to be in close quarters with another individual in the midst of a global health pandemic.”

“In response, Governor Gavin Newsom temporarily waived face-to-face supervision and permitted supervision to be done remotely via HIPAA-compliant video. Despite the continued spread of COVID-19 and the risks associated with behavioral health professionals working in close quarters, the emergency waiver was only extended until March 31, 2022, at which point it will expire.”

“The face-to-face supervision waiver gave practitioners the ability to expand their capacity and protect their health without any negative impacts to patients. The Board of Psychology’s continued extensions of the waiver highlights its efficacy. The COVID-19 pandemic illustrated advances in HIPAA-compliant video and practitioner demand for greater flexibility in practice and education.”

“The face-to-face waiver alleviated public health constraints, reduced costs to practitioners, both trainees and supervisors, and resulted in increased practitioner availability and access.”

“After March 31, 2022, psychology trainees will lose their ability to be supervised remotely, which puts an undue burden on their safety as well as time, costs and access to complete their training.”

“AB 2754 codifies Executive Order N-39-20, the face-to-face waiver, and allows for supervision to transpire via audio and visual modalities. This flexibility will improve the safety and availability of training for a necessary workforce.”

ANALYSIS

Psychology trainees in California are required to receive 3,000 hours of supervised professional experience as a condition to receive their license to practice. As part of those hours, trainees are required to be supervised 10% of the total time worked each week – and have at least one hour per week of face-to-face, direct, individual supervision with their primary supervisor. Face-to-face supervision is interpreted to mean in-person and in the same room.

On March 30, 2020, Governor Newsom signed Executive Order N-39-20, which allowed DCA to waive any of the professional licensing requirements and amend scopes of practice, including requirements governing the practice and permissible activities for licensees. This language in the waiver allowed the Board to waive face-to-face requirements for psychological supervision of registered psychological associates. This waiver expired on June 30, 2021. Beginning July 1, 2021, the Board provided a six-month grace period to allow the one-hour face-to-face, direct, individual supervision to be conducted through HIPAA-compliant video technology. The Board extended this grace period through March 31, 2022.

This bill would amend Business and Professions Code (BPC) section 2914(c)(2) to require the Board to establish regulations for supervising psychologists to include audio and visual modalities.

Board staff have two major concerns with the bill as written, both of which involve timing. The proposed amendments would address the following concerns.

- As written, the bill relies on the regulatory process for implementation, which based on previous regulatory packages, implementing this bill could take upwards of 2 or 3 years.
- The bill does not include an urgency clause, which means there would be a gap in implementation, leaving registered psychological associates with limited options for supervision.

Since remote supervision is an existing need, the proposed amendments would allow the bill to be self-executing and take effect immediately to benefit the Board's 1,500 registered psychological associates, and countless individuals who are gaining hours necessary towards licensure while providing psychological services in accredited or approved academic institutions, public schools, governmental agencies, under a DHCS waiver, or through a predoctoral internship or postdoctoral placement.

LEGISLATIVE HISTORY

Not Applicable.

OTHER STATES' INFORMATION

According to the Association of State and Provincial Psychological Boards (ASPPB), two states plus the District of Columbia had emergency regulations in place pertaining to remote supervision.

District of Columbia (D.C.)

The Department of Health has issued Administrative Orders to assist in the provision of health care services, including mental health services, during the public health emergency. In addition to those orders, the Board of Psychology issued Policy 2020-002 (6/25/2020) to allow for immediate supervision requirements to be accomplished via "real-time, synchronous communication between the supervisor and the supervisee through the use of appropriate real-time technology such as telephone or audiovisual telecommunication."

North Carolina

Executive Order 130 waived licensure requirements for behavioral health professionals, including: (i) psychologists who are licensed in another state with no prior disciplinary action; (ii) retired psychologists formally licensed in North Carolina with no prior disciplinary action; (iii) unlicensed individuals who have been awarded a master's degree or doctoral degree in psychology from a regionally accredited program that is not an online program, and who shall only provide psychological services as a volunteer; and (iv) individuals who are either currently enrolled or within the past three

months completed a master's or doctoral program from a regionally accredited institution that is not an online program and has completed at least one year of an internship or practicum. Individuals practicing under Executive Order 130 may be required to receive supervision from a North Carolina licensed psychologist. The expiration has been extended until June 26, 2020 and may be further extended.

Ohio

At the psychologist's discretion, 90 practice days may be extended to supervisees with clients living in Ohio. Supervisees must practice psychology under supervision of the authorized psychologist in their home state.

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

On March 30, 2020, Governor Newsom signed Executive Order N-39-20, which allowed DCA to waive any of the professional licensing requirements and amend scopes of practice, including requirements governing the practice and permissible activities for licensees. This language in the waiver allowed the Board to waive face-to-face requirements for psychological supervision of registered psychological associates. This waiver was extended multiple times since the Governor signed the Executive Order. This waiver is set to expire on March 31, 2022.

During the April 6, 2020 Board meeting, the Board noted their support for remote, HIPAA-compliant video psychological supervision if state and local health authorities recommended social distancing or mandated site closure where a trainee has been performing psychological functions under the immediate supervision of a primary supervisor.

As written, the bill would require the Board to implement this bill through regulations. Recent regulatory packages have taken on average between 2 and 3 years for approval.

FISCAL IMPACT

Not Applicable.

ECONOMIC IMPACT

Not Applicable.

LEGAL IMPACT

Not Applicable.

APPOINTMENTS

Not Applicable.

SUPPORT/OPPOSITION

Support: California Psychological Association

Opposition: Not Applicable.

ARGUMENTS

Not Applicable.

Proponents:

Opponents:

AMENDMENTS**Business and Professions Code****SEC. 1 2914.**

(a) An applicant for licensure shall not be subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) (1) On and after January 1, 2020, an applicant for licensure shall possess an earned doctoral degree in any of the following:

(A) Psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology.

(B) Education with the field of specialization in counseling psychology, educational psychology, or school psychology.

(C) A field of specialization designed to prepare graduates for the professional practice of psychology.

(2) (A) Except as provided in subparagraph (B), the degree or training obtained pursuant to paragraph (1) shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

(B) Subparagraph (A) does not apply to any student who was enrolled in a doctoral program in psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology or in education with the field of specialization in counseling psychology, educational psychology, or school psychology at a nationally accredited or approved institution as of December 31, 2016.

(3) The board shall make the final determination as to whether a degree meets the requirements of this subdivision.

(4) Until January 1, 2020, the board may accept an applicant who possesses a doctoral degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education on or before July 1, 1999 and has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code.

(5) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that the applicant possesses a doctoral degree in psychology or education as specified in paragraphs (1) and (2) that is equivalent to a degree earned from a regionally accredited academic institution in the United States or Canada by providing the board with an evaluation of the degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP), and any other documentation the board deems necessary. The member of the NACES or the NRHSP shall submit the evaluation to the board directly and shall include in the evaluation all of the following:

(A) A transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure.

(B) An indication that the degree used to qualify for licensure is verified using primary sources.

(C) A determination that the degree is equivalent to a degree that qualifies for licensure pursuant to paragraphs (1) and (2).

(c) (1) An applicant for licensure shall have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall have occurred after the applicant was awarded the qualifying doctoral degree. Supervision may be provided in real-time, which is defined as through in-person or synchronous audio-visual means, in compliance with federal and state laws related to patient health confidentiality.

The supervisor shall submit verification of the experience to the trainee as prescribed by the board. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the board may establish alternative procedures for obtaining the necessary documentation. Absent good cause, the failure of a supervising licensed psychologist to provide the verification to the board upon request shall constitute unprofessional conduct.

(2) The board shall establish qualifications by regulation for supervising

psychologists. ~~psychologists. psychologists, including audio and visual modalities.~~

(d) An applicant for licensure shall take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

(e) An applicant for licensure shall complete coursework or provide evidence of training in the detection and treatment of alcohol and other chemical substance dependency.

(f) An applicant for licensure shall complete coursework or provide evidence of training in spousal or partner abuse assessment, detection, and intervention.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve access to psychological care by allowing continued real-time supervision of registered psychological associates, including synchronous

audio-visual means that comply with federal and state laws related to patient health confidentiality, it is necessary for this act to take effect immediately.

AB-2754 Psychology: supervising psychologists: qualifications

SECTION 1.

Section 2914 of the Business and Professions Code is amended to read:

2914.

(a) An applicant for licensure shall not be subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) (1) On and after January 1, 2020, an applicant for licensure shall possess an earned doctoral degree in any of the following:

(A) Psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology.

(B) Education with the field of specialization in counseling psychology, educational psychology, or school psychology.

(C) A field of specialization designed to prepare graduates for the professional practice of psychology.

(2) (A) Except as provided in subparagraph (B), the degree or training obtained pursuant to paragraph (1) shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

(B) Subparagraph (A) does not apply to any student who was enrolled in a doctoral program in psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology or in education with the field of specialization in counseling psychology, educational psychology, or school psychology at a nationally accredited or approved institution as of December 31, 2016.

(3) The board shall make the final determination as to whether a degree meets the requirements of this subdivision.

(4) Until January 1, 2020, the board may accept an applicant who possesses a doctoral degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education on or before July 1, 1999 and has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code.

(5) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that the applicant possesses a doctoral degree in psychology or education as specified in paragraphs (1) and (2) that is equivalent to a degree earned from a regionally accredited academic institution in the United States or Canada by providing the board with an evaluation of the degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP), and any other documentation the board

deems necessary. The member of the NACES or the NRHSP shall submit the evaluation to the board directly and shall include in the evaluation all of the following:

(A) A transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure.

(B) An indication that the degree used to qualify for licensure is verified using primary sources.

(C) A determination that the degree is equivalent to a degree that qualifies for licensure pursuant to paragraphs (1) and (2).

(c) (1) An applicant for licensure shall have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall have occurred after the applicant was awarded the qualifying doctoral degree. The supervisor shall submit verification of the experience to the trainee as prescribed by the board. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the board may establish alternative procedures for obtaining the necessary documentation. Absent good cause, the failure of a supervising licensed psychologist to provide the verification to the board upon request shall constitute unprofessional conduct.

(2) The board shall establish qualifications by regulation for supervising ~~psychologists.~~ *psychologists, including audio and visual modalities.*

(d) An applicant for licensure shall take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

(e) An applicant for licensure shall complete coursework or provide evidence of training in the detection and treatment of alcohol and other chemical substance dependency.

(f) An applicant for licensure shall complete coursework or provide evidence of training in spousal or partner abuse assessment, detection, and intervention.

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(E) – SB 1365 (Jones) Licensing boards: procedures.

Background:

This bill would require each board within the Department of Consumer Affairs (DCA) to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require DCA to establish a process to assist each board in developing its internet website.

The bill would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require each Board to develop a procedure to provide an informal appeals process that would occur between an initial license denial and an administrative law hearing.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board take an **Oppose** position on SB 1365 (Jones).

Location: Senate Committees on Public Safety

Status: 4/6/22 Set for hearing April 26.

Calendar: 4/26/2022 – Senate Public Safety, 1:30 p.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board take an **Oppose** position on SB 1365 (Jones).

Attachment A: SB 1365 (Jones) Analysis

Attachment B: SB 1365 (Jones) Senate Business Professions and Economic Development Analysis

Attachment C: SB 1365 (Jones) Bill Text

2022 Bill Analysis

Author: Senator Brian Jones	Bill Number: SB 1365	Related Bills: AB 1662 (2022) AB 1076 (2019) AB 2138 (2018)
Sponsor: Author	Version: Introduced	
Subject: Licensing boards: procedures.		

SUMMARY

This bill would require each board within the Department of Consumer Affairs (DCA) to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require DCA to establish a process to assist each board in developing its internet website.

The bill would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require each Board to develop a procedure to provide an informal appeals process that would occur between an initial license denial and an administrative law hearing.

RECOMMENDATION

OPPOSE – On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted an Oppose position per staff recommendation, and the Committee requests the full Board do the same.

Board Staff recommends this position due to the following concerns:

- Lack of clarity regarding the criteria used to evaluate applicants with criminal convictions.
- Lack of clarity regarding the process for verifying applicant information and performing background checks of applicants using court documents instead of listing convictions.
- Potential financial detriment regarding costs to waive associated fees with the background check process.
- Lack of clarity regarding the informal appeals process.

REASON FOR THE BILL

The author states, “SB 1365 requires each board or bureau within the Department of Consumer Affairs (DCA) to post on its website a list of criteria used to evaluate applicants with criminal convictions so potential applicants can understand their probability of gaining licensure.”

“The current laws for licensure make it difficult for the formerly incarcerated population to apply for licenses. There is limited information and few resources available to support these individuals as they apply. Therefore, there is a growing need for clearer instructions and better transparency of this process, so all applicants are aware of the existing rules of each license.”

“The current process does not include a step to provide court documents describing the individual’s criminal history. Since the actual court documents are not required, there is often confusion on what the individual’s particular conviction was, and thus whether or not they would be able to qualify for licensure. Furthermore, in the event the applicant is denied, the process for filing an appeal is complicated and unclear, causing an undue barrier to obtaining a license.”

“SB 1365 will require each board and bureau within DCA to publicly post a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure understand their likelihood of be granted licensure before they apply. SB 1365 would also require DCA to help each board and bureau establish this clarity on its website. The bill will require DCA to develop a clear process for verifying applicant information, including performing background checks of applicants and requiring applicants with prior convictions to provide certified court documents so that the proper convictions are recorded in the process.”

“SB 1365 further requires all boards and bureaus to develop a procedure to provide for an improved appeals process that will be more accessible to applicants who were initially denied.”

“By streamlining the current process and providing accurate information on online platforms, the application will be more straightforward and accessible to all Californians. It will also give formally incarcerated people all the necessary information to decide whether to invest their time and money apply for a license.”

ANALYSIS

SB 1365 would require the Board to post on their website a list of criteria used to evaluate applicants with criminal convictions. It would also require DCA to create processes for informal appeals and verifying applicant information that involves waiving background check fees. The Board has the following concerns with the bill language:

Lack of clarity regarding the criteria used to evaluate applicants with criminal convictions

This bill will require all boards under DCA to post on their respective websites, criteria used to evaluate applicants with criminal convictions. The bill does not provide any

additional explanation, or insight into the intent of the bill regarding what would be required to be posted on the webpage.

In addition, the Board's website has the following information included within the regulatory advisory for AB 2138:

Specifically, the Board may not deny a license solely because the applicant was convicted of a crime, or due to the acts underlying the conviction, if the applicant has a certificate of rehabilitation, was granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged. Absent these circumstances, these regulations permit the Board to deny a license when an applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the regulated business or profession. The Board may also deny a license for substantially related professional misconduct that results in formal discipline by another licensing board. These regulations also establish the criteria that the Board can utilize to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

Staff are unsure if the information contained within the advisory meets the legislative intent of this bill.

Lack of clarity regarding the process for verifying applicant information and performing background checks of applicants using court documents instead of listing convictions

The bill would require DCA to establish a process for verifying an applicant's criminal information using court documents instead of listing convictions on application documents. Currently, the Board has a form for applicants called the License Disciplinary Action Form. This specific form allows an applicant to disclose their conviction, and provide information on rehabilitation, which is a crucial component of whether the Board issues a license to an applicant. Since this bill would require an analyst to review court documents instead of a narrative, it is unclear if the Board can request information regarding rehabilitation. This change may potentially remove the Board's ability to use discretion when reviewing and approving applicants with a criminal history and may lead to additional application denials.

Potential financial detriment regarding costs to waive associated fees with the background check process

This bill would require DCA to develop a process to expedite the fee-waiver process for any low-income applicant requesting a background check. Currently, the Board requires both a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check on all licensees, registrants and applicants for licensure or registration. Applicants in California complete a "Live Scan," which is a system for the electronic submission of fingerprints through the DOJ. The process requires applicants to go to a Live Scan site for fingerprint scanning services. The cost of this process is paid to the Live Scan site directly.

This bill does not have a definition of “low-income.” As the Board is currently facing insolvency and rightsizing a structural imbalance, the Board does not have the additional revenue to pay for the live scan of a potential applicants.

Lack of clarity regarding the informal appeals process

The bill language mentions the informal process of the Bureau of Security and Investigative Services, (BSIS) and encourages DCA to examine their model. BSIS has multiple Disciplinary Review Committees (DRC), which handle denials, revocations, or suspensions of a license, certificate, registration or permits. There are five DRCs total for the professions that BSIS regulates. Each DRC has five members and BSIS pays each member \$100 per diem each time the committee meets, along with an additional \$100 for reading the relevant materials ahead of time. Additionally, DRCs convene more frequently than the Board, and for example, one DRC convened 17 times in 2021.

This disciplinary review process works for BSIS, since they have a larger number of applicants with criminal histories and issue a high number of denials annually. If this system were in place with the Board, it could be very costly and would not be the most efficient way of handling the Board’s averaged 3.6 denials per year.

LEGISLATIVE HISTORY

AB 1662 (Gipson): Licensing boards: disqualification from licensure: criminal conviction.
Session: 2021-22

Status: Referred to Assembly Business and Professions

This bill would authorize a prospective applicant that has been convicted of a crime to submit to any board or bureau a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.

The bill would require the Board that receives that request to determine if the prospective applicant would be disqualified from licensure by the Board based on the information submitted with the request and deliver that determination to the prospective applicant.

AB 1076 (Ting): Criminal records: automatic relief.

Session: 2019-20

Chapter 578, Statutes of 2019

Requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a weekly basis, identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion to being filed on the person's behalf.

AB 2138 (Chiu): Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Session: 2017-18

Chapter 995, Statutes of 2018

Reduces barriers to licensure for individuals with prior criminal convictions by limiting a board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years no longer eligible for license denial, with several enumerated exemptions.

OTHER STATES' INFORMATION

Not Applicable.

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and psychological associates.

The Board has the authority to deny licensure based on regulations. Currently, the Board has a webpage with the following information that outlines approved regulations pertaining licensure requirements for applicants with criminal backgrounds, pursuant to AB 2138 (Chiu, Chapter 995, Statutes of 2018):

Specifically, the Board may not deny a license solely because the applicant was convicted of a crime, or due to the acts underlying the conviction, if the applicant has a certificate of rehabilitation, was granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged. Absent these circumstances, these regulations permit the Board to deny a license when an applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the regulated business or profession. The Board may also deny a license for substantially related professional misconduct that results in formal discipline by another licensing board. These regulations also establish the criteria that the Board can utilize to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

FISCAL IMPACT

Since the bill suggests DCA implement an informal appeals process that occurs between an initial license denial and an administrative law hearing, the Board would be required to follow this type of process. Specifically, the bill language suggests the Board implement the BSIS informal DRC process. Since the Board only issues an average of 3.6 denials per year, using this DRC process would be costly and an inefficient use of the Board's limited resources.

ECONOMIC IMPACT

Not Applicable.

LEGAL IMPACT

Not Applicable.

APPOINTMENTS

Not Applicable.

SUPPORT/OPPOSITION

Support: Little Hoover Commission

Opposition: Dental Hygiene Board of California.

ARGUMENTS**Proponent:**

The Little Hoover Commission writes in support and notes, “In its 2016 report, Jobs for Californians: Strategies to Ease Occupational Licensing Barriers, the Commission found that Californians with convictions on their record face several challenges when trying to become licensed. Specifically, the Commission learned that applicants sometimes face difficulty when asked to list their convictions, perhaps due to significant time passing or mental health problems. The convictions they list on their application might not match what returns on their background check, potentially resulting in an application disqualification. The Commission also found that former offenders typically must demonstrate that their convictions were not substantially related to the duties of the occupation, or if they were, that they have been rehabilitated. However, the Commission discovered that it is often up to the licensing entity to determine how ‘substantially related’ and ‘rehabilitated’ are applied. Applicants who are denied a license may engage in an appeals process, which can be confusing and expensive.”

Opponent:

The Dental Hygiene Board of California notes that it “understands the desire to develop uniform processes to evaluate applicants with criminal convictions, in verifying applicant information, and in performing background checks of applicants. However, the board believes the bill is vague and needs more definition as to what specifically needs to be done to address the issue. The Board provides avenues of communication to the public to contact the Board for information prior to anyone investing time and resources into the pursuit of the profession. The Board already processes applicants with criminal convictions on a case-by-case basis depending upon the applicant's record. The bill doesn't define what convictions the Board can and cannot process applications for. The Board prefers not to be limited to a specific procedure when there's no identified need for it, as the Board hasn't denied an application due to a conviction. The appeals process, depending on how it's structured, could be expensive and lengthy and with the Board's limited resources, could have a detrimental fiscal impact to its appropriation without additional resources. The Board hasn't received any complaints about its current application review processes, so the Board believes there is no need for any revisions.”

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Richard Roth, Chair
2021 - 2022 Regular

Bill No:	SB 1365	Hearing Date:	April 4, 2022
Author:	Jones		
Version:	February 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Sarah Mason		

Subject: Licensing boards: procedures

SUMMARY: Requires the Department of Consumer Affairs (DCA) to take certain actions aimed at providing applicants for licensure with prior criminal convictions valid information about how that conviction could be evaluated during the licensure process. Requires each DCA program to post a list of criteria used to evaluate applicants with prior criminal convictions on the program's website.

Existing law:

- 1) Establishes DCA within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Provides for the licensure and regulation of various professions and vocations by boards, bureaus, and other entities within the DCA. (BPC §§ 22, 100-144.5)
- 3) Provides that all boards within the DCA are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities, which have potential impact upon the public health, safety, and welfare, are adequately regulated in order to protect the people of California. (BPC § 101.6)
- 4) Authorizes a board to deny a license regulated by the DCA on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:
 - a) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application, unless the applicant was convicted of a serious felony, as defined, or convicted of a financial crime currently classified as a felony, as specified; or,
 - b) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline

before the board for which the present application is made; however, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial if the basis for that disciplinary action was a conviction that has been dismissed, as specified. (BPC § 480(a))

- 5) Prohibits a person from being denied a license on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation, as specified, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation. (BPC § 480(b))
- 6) Prohibits the delay in processing of an application or a denial of a license based solely on the basis that some or all of the licensure requirements were completed while an individual was incarcerated, as specified. (BPC § 480.5(a))
- 7) Requires each board to develop criteria to aid it when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates; and specifies that the criteria include all of the following:
 - a) Nature and gravity of the offense;
 - b) Number of years elapsed since the date of the offense; and
 - c) Nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed. (BPC § 481(a)(b))
- 8) Prohibits a board from denying a license based in whole or in part on a conviction without considering the evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed related to rehabilitation criteria. (BPC § 481(c))
- 9) Requires each board to post on its website a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, duties of the business or profession it regulates, as specified. (BPC § 481(d))
- 10) Requires each board to develop criteria to evaluate the rehabilitation of a person when either considering the denial of a license or considering suspension or revocation of a license, as specified. (BPC § 482(a))

This bill:

- 1) Requires each board within the DCA to publicly post on its website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.
- 2) Requires the DCA to do all of the following:

- a) Establish a process to assist each board in developing its website, including disseminating materials to, and serve as a clearing house to, boards in order to provide guidance and best practices in assisting applicants with criminal convictions gain employment;
- b) Develop a process for each board to use in verifying applicant information and performing background checks, and permits the DCA to examine the current model for reviewing background checks of applicants established by the Department of Insurance. Further, the process developed requires applicants to provide certified court documents instead of listing conditions on an application, as specified; and,
- c) Develop a procedure to provide an informal appeals process, in which the DCA may examine the model for informal appeals used by the Bureau of Security and Investigative Services, and requires the informal appeals process occur between an initial license denial and an administrative law hearing.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by Legislative Counsel.

COMMENTS:

1. **Purpose.** The Author is the Sponsor of this bill. According to the Author, "There is an overall lack in consistency across DCA Board[s] and Bureaus in how these particular applicants are handled. The current process lets boards have their own autonomy over how they award licensure. In the event these boards find an applicant has previous convictions, they proceed with their own procedures. This means there is not a consolidated way for applicants to understand all the requirements necessary for their applications. Majority of these boards do not include a step in the application process to provide court documents describing their criminal history. This provides a disadvantage to the applicants because according to the current Business and Professions Code, they must disclose their criminal history. However, if the previous convictions are unrelated to the licensed practice, this information is less likely to affect the review process."

2. **Background.**

DCA. DCA is one of 12 entities operating under the direction of the Business, Consumer Services and Housing Agency (BCHS). DCA issues almost 4 million licenses, certificates, and approvals to individuals and businesses in over 250 categories. This involves setting the qualifications and levels of competency for the professionals regulated by the DCA's boards and bureaus which license, register, or certify practitioners; investigate complaints; and discipline violators. Fees paid by DCA licensees fund DCA operations almost exclusively.

Within the DCA are 38 entities, including 26 boards, eight bureaus, two committees, one program, and one commission (hereafter "boards" unless otherwise noted). Collectively, these boards regulate more than 100 types of businesses and 200 different industries and professions. As regulators, these boards perform two primary functions:

- Licensing—which entails ensuring only those who meet minimum standards are issued a license to practice, and
- Enforcement—which entails investigation of alleged violations of laws and/or regulations and taking disciplinary action, when appropriate.

DCA entities are semiautonomous regulatory bodies with the authority to set their own priorities and policies and take disciplinary action on their licensees. Board members are representatives of the public and the profession a particular board oversees.

Some programs within DCA have a Disciplinary Review Committee (DRC) comprised of board members, which conducts informal administrative hearings and renders decisions regarding appealed citations or enforcement decisions.

Criminal History as a Barrier to Employment. Concerns were raised in the past number of years that statutory authority for boards and bureaus to deny a license to an individual who has "done any act involving honesty, fraud, or deceit" for self-benefit or harm to other was too broad, and could potentially go beyond criminal convictions. Interested parties argued that this authority opened the door for many licensure applications to be denied based purely on alleged misconduct that has not been determined to have occurred through standard due process.

The discretion for boards and bureaus to deny licensure to applicants with criminal histories has also been criticized, despite the guarantee of due process afforded to these applicants prior to a crime being reflected on their record. The 2016 National Employment Law Project (NELP) report *Unlicensed & Untapped: Removing Barriers to State Occupational Licenses for People with Records* highlights "a lack of transparency and predictability in the licensure decision-making process and confusion caused by a labyrinth of different restrictions" in regulatory schemes across the country. California was specifically graded as "Needs Improvement," with recommendations including:

- Expand blanket ban prohibition to all occupations with one overarching law.
- Expand occupation-relatedness requirement to all.
- Require consideration of the time elapsed since conviction.
- Prohibit consideration of certain record information (e.g., arrests, lesser offenses, older offenses).
- Require consideration of the applicant's rehabilitation.

Additional studies and reports have focused on the impacts of licensing requirements for employment and on individuals seeking to become employed. According to a July 2015, report on occupational licensing released by the White House, strict licensing creates barriers to mobility for licensed workers, citing

several groups of people particularly vulnerable to occupational licensing laws, including former offenders, military spouses, veterans and immigrants.

In October 2016, the Little Hoover Commission released a report entitled *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers*. The report noted that one out of every five Californians must receive permission from the government to work, and for millions of Californians that means contending with the hurdles of becoming licensed. The report noted that many of the goals to professionalize occupations, standardize services, guarantee quality and limit competition among practitioners, while well intended, have had a larger impact of preventing Californians from working, particularly harder-to-employ groups such as former offenders and those trained or educated outside of California, including veterans, military spouses and foreign-trained workers. The study found that occupational licensing hurts those at the bottom of the economic ladder twice: first by imposing significant costs on them should they try to enter a licensed occupation and second by pricing the services provided by licensed professionals out of reach.

The report found that California compares poorly to the rest of the nation in the amount of licensing it requires for occupations traditionally entered into by people of modest means. According to the report, researchers from the Institute for Justice selected 102 lower-income occupations, defined by the Bureau of Labor Statistics as making less than the national average income, ranging from manicurist to pest control applicator. Of the 102 occupations selected, California required licensure for 62, or 61 percent of them. According to the report, California ranked third most restrictive among 50 states and the District of Columbia, following only Louisiana and Arizona. California ranked seventh of 51 when measuring the burden imposed on entrants into these lower- and moderate-income occupations: on average, California applicants must pay \$300 in licensing fees, spend 549 days in education and/or training and pass one exam. The report specifically noted improvements that could be made in the information licensing entities provide applicants to ensure a smoother licensing process.

During the 2016-2017 sunset review oversight of the DCA, this Committee asked what steps DCA was taking to respond to the Little Hoover Commission report and how the DCA is advising entities within the DCA on best practices to assist in the licensure process. The DCA responded that it was working with the BCHS to identify areas where unnecessary barriers to licensure can be reduced and noted that one key area of this work has been on the examination of possible barriers to licensure for individuals reentering the workforce after incarceration. The DCA stated that it had been assessing the criteria used by boards and bureaus to determine if a past conviction is substantially related, as well as how they consider rehabilitation. The DCA reported that clarifying criteria through regulations, through FAQs, or some combination of both could assist applicants and potentially encourage more individuals with prior convictions to apply and stated that it "intends to work with the various boards and bureaus to achieve more clarity and remove unnecessary barriers to licensure. Some of the avenues the DCA is exploring include: providing clear descriptions of licensing criteria on each program's website, potentially re-drafting some regulations to create some consistency and additional clarity, and providing more hands-on guidance to licensees that inquire about these processes."

AB 2138. In response to these reports and continued concerns, *AB 2138* (Chiu and Low; Chapter 995, Statutes of 2018) was signed into law, making substantial reforms to the license application process for individuals with criminal records. Under *AB 2138*, an application may only be denied based on prior misconduct if the applicant was formally convicted of a substantially related crime or was subject to formal discipline by a licensing board. Further, prior conviction and discipline histories are ineligible for disqualification of applications after seven years, with the exception of serious and registerable felonies, as well as financial crimes for certain boards. Among other provisions, the bill additionally requires each board to report data on license denials, publish its criteria on determining if a prior offense is substantially related to licensure, and provide denied applicants with information about how to appeal the decision and how to request a copy of their conviction history. Most DCA programs updated, or are in the final process, of updating regulations to ensure compliance with *AB 2138*.

3. **Related Legislation.** *AB 1662* (Gipson of 2022), authorizes a prospective applicant that has been convicted of a crime, to submit to a board a request for a preapplication determination, as specified, and would further require a board that receives a request determine if the prospective applicant would be disqualified from licensure based on the information submitted and deliver that determination to the prospective applicant.

AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018) limits the current discretion provided to regulatory entities within the DCA to apply criminal history background, as it relates to denial of an application for licensure.

4. **Arguments in Support.** The Little Hoover Commission writes in support and notes, "In its 2016 report, *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers*, the Commission found that Californians with convictions on their record face several challenges when trying to become licensed. Specifically, the Commission learned that applicants sometimes face difficulty when asked to list their convictions, perhaps due to significant time passing or mental health problems. The convictions they list on their application might not match what returns on their background check, potentially resulting in an application disqualification. The Commission also found that former offenders typically must demonstrate that their convictions were not substantially related to the duties of the occupation, or if they were, that they have been rehabilitated. However, the Commission discovered that it is often up to the licensing entity to determine how 'substantially related' and 'rehabilitated' are applied. Applicants who are denied a license may engage in an appeals process, which can be confusing and expensive."
5. **Arguments in Opposition.** The Dental Hygiene Board of California notes that it "understands the desire to develop uniform processes to evaluate applicants with criminal convictions, in verifying applicant information, and in performing background checks of applicants. However, the board believes the bill is vague and needs more definition as to what specifically needs to be done to address the issue. The Board provides avenues of communication to the public to contact the Board for information prior to anyone investing time and resources into the pursuit of the profession. The Board already processes applicants with criminal convictions on a

case-by-case basis depending upon the applicant's record. The bill doesn't define what convictions the Board can and cannot process applications for. The Board prefers not to be limited to a specific procedure when there's no identified need for it, as the Board hasn't denied an application due to a conviction. The appeals process, depending on how it's structured, could be expensive and lengthy and with the Board's limited resources, could have a detrimental fiscal impact to its appropriation without additional resources. The Board hasn't received any complaints about its current application review processes, so the Board believes there is no need for any revisions."

6. Policy Comments and Questions.

Is This Bill Necessary? Every program within DCA licenses different individuals, companies, locations, and organizations in order to ensure that consumers can safely receive services or goods from those entities. Every practice act administered by these programs are different, and the requirements for licensure and safe professional practice are also different. While the goals of increased transparency to applicants for professional licensure are laudable, current law already captures a number of the provisions contained in this measure, and prior legislation already created consistency in terms of what criteria programs can utilize when determining the ability for those previously convicted of a crime to become or remain licensed.

For example, the measure specifies, "Each board within the department shall publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees".

Current law, BPC Section 481 (b) specifies the "criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed."

Current law, BPC Section 481 (d) specifies, "Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section."

Background checks. This bill specifies that DCA "develop a process for each board to use in verifying applicant information and performing background checks of applicants." There are programs like the Board of Barbering and Cosmetology that do not require fingerprints and background checks prior to licensure, so requiring a process for all boards is not necessary.

NOTE: *Double-referral to Committee on Public Safety, Second.*

SUPPORT AND OPPOSITION:

Support:

Little Hoover Commission

Opposition:

Dental Hygiene Board of California

-- END --

SB-1365 Licensing boards: procedures

SECTION 1.

Section 114.6 is added to the Business and Professions Code, to read:

114.6.

(a) Each board within the department shall publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.

(b) The department shall do all of the following:

(1) (A) Establish a process to assist each board in developing its internet website in compliance with subdivision (a).

(B) As part of this process, the department shall disseminate materials to, and serve as a clearing house to, boards in order to provide guidance and best practices in assisting applicants with criminal convictions gain employment.

(2) (A) Develop a process for each board to use in verifying applicant information and performing background checks of applicants.

(B) In developing this process, the board may examine the model used for performing background checks of applicants established by the Department of Insurance. The process developed shall require applicants with convictions to provide certified court documents instead of listing convictions on application documents. This process shall prevent license denials due to unintentional reporting errors. This process shall also include procedures to expedite the fee-waiver process for any low-income applicant requesting a background check.

(3) (A) Develop a procedure to provide for an informal appeals process.

(B) In developing this informal appeals process, the department may examine the model for informal appeals used by the Bureau of Security and Investigative Services. The informal appeals process shall occur between an initial license denial and an administrative law hearing.

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item #14(b)(1)(F) – SB 1428 (Archuleta) Psychologists: psychological testing technician: registration.

Background:

This bill would authorize an individual to provide psychological or neuropsychological test administration and scoring services, if that individual is registered with the Board as a psychological testing technician and meets specified education requirements, or if the individual is gaining specified education requirements to be a psychological testing technician.

On 3/25/2022 the Legislative and Regulatory Committee voted to recommend the Board take a **Support if Amended** position on SB 1428 (Archuleta).

Location: Senate Committee on Appropriations

Status: 4/6/2022 – Set for hearing April 18, 2022.

Calendar: 4/18/22 – Senate Appropriations, 9:00 a.m.

Action Requested:

The Legislative and Regulatory Affairs Committee recommends the Board take a **Support if Amended** position on SB 1428 (Archuleta).

Attachment A: SB 1428 (Archuleta) Analysis

Attachment B: SB 1428 (Archuleta) Senate Business Professions and Economic Development Analysis

Attachment C: SB 1428 (Archuleta) Bill Text

2022 Bill Analysis

Author: Senator Bob Archuleta	Bill: SB 1428	Related Bills:
Sponsor: California Psychological Association (CPA)	Version: Introduced	
Subject: Psychologists: psychological testing technician: registration		

SUMMARY

This bill would authorize an individual to provide psychological or neuropsychological test administration and scoring services, if that individual is registered with the board as a psychological testing technician and meets specified education requirements, or if the individual is gaining specified education requirements to be a psychological testing technician.

RECOMMENDATION

SUPPORT IF AMENDED – On March 25, 2022, the Legislative and Regulatory Affairs Committee adopted a Support if Amended position per staff recommendation, and the Committee requests the full Board do the same.

This bill would create a new registration, increase the Board staff's workload, and amend our Psychological Licensing Act. The bill as written needs further clarification on requirements pertaining to education, registration, renewal, supervision, and enforcement, including fees related to psychological testing technicians. For more details, please view the proposed amendments at the end of the analysis.

Summary of Suggested Amendments:

- Creates the Psychological Testing Technician Act within new code sections.
- Establishes the application process and requirements to register as a psychological testing technician.
- Clarifies the educational and training requirements for registration.
- Requires an applicant to submit electronic fingerprint image scans for a state- and federal-level criminal background check conducted through the Department of Justice.
- Incorporates enforcement provisions related to psychological testing technicians.
- Requires a psychological testing technician to renew registration annually.
- Establishes the process to renew registration.
- Establishes the process to add or change a supervisor.

- Exempts specified licensed psychologists and registered psychological associates from registering as a psychological testing technician in order to provide testing services.
- Increases the psychological testing technician registration fee to \$75.
- Establishes an annual renewal fee of \$75.
- Establishes a \$25 fee for adding or changing a supervisor.
- Establishes an implementation date of January 1, 2024.

REASON FOR THE BILL

Per the sponsor: “The use of technicians primarily allows the psychologist to utilize their time more efficiently and productively, freeing them to engage in the interpretation of the results while also being able to provide additional services that require their specified skill-set, such as: providing psychotherapy or cognitive rehabilitation, treatment planning, psychoeducational services, engaging in research, supervising psychological assistants, and providing multidisciplinary consultations. Without employing technicians, the majority of the psychologist’s time is expended in the administration and scoring of standardized tests, which is a task that can be done by an appropriately-trained individual with a minimum of a bachelor’s degree.”

Additionally, the sponsor states, “The use of psychological technicians has been a nationally established standard of practice in the field for more than almost five decades... Furthermore, the Current Procedural Terminology (CPT) codes that are accepted by medical insurance companies recognize billings codes that are uniquely specific to using a technician to administer and score neuropsychological testing (96138-96139), which is separate from a code that is used when a neuropsychologist performs their direct services (96136-96137). The Centers for Medicare and Medicaid Services (CMS) manual indicates that psychologists are able to allow technicians to perform psychological services, pursuant to state laws and regulations.”

“In short, the use of technicians has been well-established nationally in the field of psychology, and other states have incorporated standards in their legislative documents to define the proper use of technicians.”

ANALYSIS

This bill adds section 2910.5 of the Business and Professions Code (BPC) to create a new registration within the Board for psychological testing technicians. It establishes what a testing technician can do as a registrant under the purview of the Board. It also establishes requirements for supervising psychological testing technicians. The bill would allow a person with the following requirements to apply for a registration:

- Bachelor’s degree or graduate degree in psychology or a related field, as specified.
- A minimum of 80 hours of total education and training related to psychological and neuropsychological testing, as defined.

The bill sponsor presented the bill idea to the Board in April 2019. At that meeting, Board Members stated they were supportive of the concept and understood the need for the bill. Board staff has provided technical assistance to the sponsor in the process of drafting the bill.

As written, the bill does not encompass all of the components needed to make the law self-executing and clear for future registrants and existing licensees. The processes and tasks relevant to registering and renewing psychological testing technicians must be appropriately funded as well. The Board's proposed amendments will address the following concerns.

- Omission of application requirements to register as a psychological testing technician, such as sharing name, contact information, supervisor contact information, proof of education and training, and paying a fee.
- Needing clarity on the educational and training requirements for registration.
- Omission of requirement for an applicant to submit electronic fingerprint image scans for a state- and federal-level criminal background check conducted through the Department of Justice.
- Omission of language on enforcement activities surrounding psychological testing technician registrants.
- Having a biannual renewal period.
- Omission of process to renew registration.
- Omission of process to add or change a supervisor.
- Omission of exemption that specified licensed psychologists and registered psychological associates from registering as a psychological testing technician in order to administer tests.
- Insufficient annual psychological testing technician registration fee.
- Omission of an annual renewal fee of \$75.
- Omission of a \$25 fee allowing a psychological testing technician to add or change a supervisor.
- Omission of an implementation date.

LEGISLATIVE HISTORY

Not Applicable

OTHER STATES' INFORMATION

Currently, Arkansas, New York, North Carolina, and Oregon have laws in place providing registration and oversight of psychological testing technicians.

Arkansas

Has requirements in place for neuropsychological technicians. The law requires a supervising psychologist to be approved by the Arkansas Psychology Board to practice neuropsychology (independently); to have at least three (3) years of post-licensure experience and had training or experience, or both, in supervision; to be ethically and legally responsible for all the professional activities of the technician; and to have adequate training, knowledge, and skill to render competently any neuropsychological

service which the employed technician undertakes. Each psychologist and neuropsychological technician must have their applications and credentials approved by the Board during a meeting. Neuropsychological technicians must annually renew their registration by June 30th of every year.

New York

Allows testing technicians, who meet certain specified requirements, to administer and score standardized objective (non-projective) psychological or neuropsychological tests which have specific predetermined and manualized administrative procedures which entail observing and describing test behavior and test responses, and which do not require evaluation, interpretation or other judgments. Such testing technicians may provide services in those settings that may legally engage in the practice of psychology and they must be supervised by a licensed psychologist, who must attest to such supervision, as well as to the education and training of the testing technicians, as prescribed in statute. All licensed psychologists who use a testing technician must complete the form entitled "Licensed Psychologist Attestation of Supervision of a Testing Technician" and submit it to the Department before providing the activities or services of the testing technician.

North Carolina

Allows unlicensed individuals to perform tasks related to psychological testing, upon determination by a licensed psychologist that the individual can perform the tasks, given the client or patient's characteristics and circumstances, in a manner consistent with the unlicensed individual's training and skills. A psychologist who employs or supervises unlicensed individuals to provide the services described shall comply with documentation and supervision requirements.

Oregon

A licensee may delegate administration and scoring of tests to technicians if the licensee ensures the technicians are adequately trained to administer and score the specific test being used. The licensee must also ensure that the technicians maintain standards for the testing environment and testing administration as set forth in the APA Standards for Educational and Psychological Tests (1999) and APA Ethical Principles for Psychologists (2002).

PROGRAM BACKGROUND

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

The Board is responsible for reviewing applications, verifying education and experience, as well as issuing licensure, registrations, and renewals. As written, the bill does not encompass all of the tasks and responsibilities required of the both the licensing and enforcement units to issue and review registrations.

FISCAL IMPACT

Because of the fiscal challenges the Board is currently facing, it is crucial the Board charges adequate fees that reflect the actual cost of work for the Board's staff.

The bill's sponsor has specified that they expect 100 registrations in the first year after the law is implemented. Board staff determined the processes required by this bill would need to be completed by office technicians and a staff services analyst. Based on internal fiscal data, Board staff calculated it would cost \$75 per transaction for registration and renewals, and \$25 per transaction for adding or changing a supervisor. The Board's proposed amendments would allow the Board to recoup the labor costs through fees levied on psychological testing technician registrants.

ECONOMIC IMPACT

Not Applicable

LEGAL IMPACT

Not Applicable

APPOINTMENTS

Not Applicable

SUPPORT/OPPOSITION

Support: California Psychological Association (Sponsor)
County Behavioral Health Directors Association
National Union of Healthcare Workers

Opposition: None on File

ARGUMENTS**Proponents:**

According to the California Psychological Association, "the use of technicians allows the psychologist to utilize their time more efficiently and productively, freeing them to engage in the interpretation of the test results, develop an appropriate treatment plan, and work directly with patients."

Opponents: None on File

AMENDMENTS**2909**

(a) “Psychological testing technician” means an individual not otherwise authorized to provide psychological and neuropsychological testing in this state under Chapter 6.6, commencing with Section 2900, who registers with the Board of Psychology and because of that registration, may perform only the following functions:

(1) Administer and score standardized objective psychological and neuropsychological tests, and

(2) Observe and describe clients’ test behavior and test responses.

(b) Psychological testing technicians shall not perform the following functions:

(1) Select tests or versions of tests,

(2) Interpret test results,

(3) Write test reports, or

(4) Provide test feedback to clients.

(c) A psychological testing technician shall only use the titles “psychological testing technician” or “neuropsychological testing technician.” A psychological testing technician shall not use the title “psychologist” or any title incorporating the word “psychologist.”

(d) Failure to comply with this section may result in disciplinary action.

(e) This section shall take effect on January 1, 2024.

2909.1

(a) To register as a psychological testing technician, a person shall submit the following to the board:

(1) An application, which shall include the following information:

(A) Applicant’s name, identification, and contact information.

(B) Applicant’s supervisor’s name, license number, and contact information.

(C) Attestation under penalty of perjury that the information provided on the application is true and correct.

(2) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in any of the following subjects:

(A) Psychology.

(B) Education with the field of specialization in educational psychology, counseling psychology, or school psychology.

(3) Proof of completion of a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring. This education and training:

(A) Shall include all the following:

(i) At least 20 hours of direct observation as follows: At least 10 hours of direct observation of a licensed psychologist administering and scoring tests, and at least 10 hours of direct observation of either a licensed psychologist or registered psychological testing technician administering and scoring tests.

(ii) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist.

(iii) At least 20 hours of education on topics including law and ethics, confidentiality, and best practices for test administration and scoring.

(B) And may be obtained by doing any combination of the following:

(i) participating in individual or group instruction provided by a licensed psychologist,

(ii) engaging in independent learning directed by a licensed psychologist,

(iii) completing graduate-level coursework at a regionally accredited university, college, or professional school, or

(iv) by taking continuing education courses from organizations with board approval, pursuant to Section 2915.

(4) The registration fee for a psychological testing technician as specified in Section 2987.

(5) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

2909.3

(a) All psychological testing technician services shall be provided under the direct supervision of a licensed psychologist.

(b) Supervisors of psychological testing technicians shall be:

(1) Employed by, or contracted to, the same work setting as the psychological testing technician they are supervising.

(2) Available, in-person, by telephone, or by other appropriate technology, at all times the psychological testing technician provides services.

(3) Responsible for:

(i) Ensuring that the extent, kind, and quality of the services that the psychological testing technician provides are consistent with the technician's training and experience.

(ii) Monitoring the psychological testing technician's compliance with applicable laws and regulations.

(iii) Informing the client prior to the rendering of services by a psychological testing technician that the technician is registered as a psychological testing technician and is functioning under the direction and supervision of the supervisor.

(c) A psychological testing technician shall notify the board of any change to their direct supervisor. To add or change a supervisor, a psychological testing technician shall submit the following:

(1) Registrant's name, registration number, and contact information.

(2) New or additional supervisor's name, license number, and contact information.

(3) Current supervisor's name, license number, and contact information.

(4) Attestation under penalty of perjury that the information provided on the application is true and correct.

(5) The add or change of supervisor fee for a psychological testing technician, as specified in Section 2987.

2909.4

(a) A psychological testing technician shall renew their registration annually by submitting the following to the board:

(1) Registrant's name, registration number, and contact information.

(2) Supervisor's name, license number, and contact information.

(3) Disclosure as to whether or not the registrant has been convicted of any violation of the law in this or any other state, the United States or its territories, military court, or other country, omitting traffic infractions under \$500.00 not involving alcohol, a dangerous drug, or a controlled substance, since the issuance or previous renewal of their registration.

(4) Disclosure as to whether or not the registrant has had a license or registration disciplined by a government agency or other disciplinary body, since the issuance or previous renewal of their registration. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held.

(5) Attestation under penalty of perjury that the information provided on the application is true and correct.

(6) The annual renewal fee for a psychological testing technician as specified in Section 2987.

(b) Without renewal, a psychological testing technician registration expires annually. If the registration expires, then the person who was registered:

(1) Shall not provide psychological testing technician services.

(2) Shall renew within 60 days after its expiration and pay the renewal and delinquency fees as specified in Section 2987, or the registration will become cancelled and a new application for registration shall be submitted to the board.

SECTION 1.

~~Section 2910.5 is added to the Business and Professions Code, to read:~~
2910.5.

~~(a) This chapter shall authorize a person to provide psychological or neuropsychological test administration and scoring services if the person is gaining the experience described in subparagraph (C) of paragraph (3) or if all of the following conditions are met:~~

~~(1) The person is registered with the board as a psychological testing technician. This registration shall be renewed biannually.~~

~~(2) The person holds a bachelor's degree or graduate degree in psychology or a related field from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.~~

~~(3) The person has completed a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring, which shall include all of the following:~~

~~(A) At least 20 hours of education on topics including, but not limited to, law and ethics, confidentiality, and best practices for test administration and scoring.~~

~~(B) At least 20 hours of direct observation of a licensed psychologist or registered psychological testing technician administering and scoring tests, if observation of a licensed psychologist equals at least 50 percent of those hours.~~

~~(C) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist or registered psychological testing technician, if a licensed psychologist is present for at least 50 percent of those hours.~~

~~(b) The education required by paragraph (3) of subdivision (a) of this section may be obtained by participating in individual or group instruction provided by a licensed psychologist, by taking continuing education courses approved by organizations approved by the board, by engaging in independent learning directed by a licensed psychologist, or by completing graduate-level coursework at an accredited university, college, or professional school.~~

~~(c) For purposes of this section, "licensed psychologist" means a psychologist licensed by the board or a psychologist licensed at the doctoral level in another state or territory of the United States or in Canada.~~

~~(d) A psychological testing technician shall only use the titles "psychological testing technician" or "neuropsychological testing technician." A registered psychological testing technician shall not use the title "psychologist" or any title incorporating the word "psychologist."~~

~~(e) A psychological testing technician may administer and score standardized objective psychological and neuropsychological tests and may observe and describe clients' test behavior and test responses. Psychological testing technicians shall not select tests, or versions of tests, interpret test results, write test reports, or provide test feedback to clients.~~

~~(f) (1) All psychological and neuropsychological testing services provided by a psychological testing technician shall be under the immediate supervision of a psychologist licensed by the board.~~

~~(2) Supervisors of psychological testing technicians shall be employed by, or contracted to, the same work setting as the psychological testing technician they are supervising.~~

~~(3) Supervisors of psychological testing technicians shall be available, in person, by telephone, or by other appropriate technology, at all times the psychological testing technician provides services.~~

~~(4) Supervisors of psychological testing technicians shall be responsible for ensuring that the extent, kind, and quality of the psychological testing services that the psychological testing technician performs are consistent with the technician's training and experience. Supervisors of psychological testing technicians shall be responsible for monitoring the psychological testing technician's compliance with this chapter and regulations.~~

~~(5) Supervisors of psychological testing technicians shall ensure that the client is informed prior to the rendering of services by a psychological testing technician that the technician is not registered as a psychological testing technician and is functioning under the authority of the supervisor.~~

~~(g) Psychology students, psychological assistants, and any other psychology trainees who meet the requirements described in this section may register with the board as a~~

~~psychological testing technician. These persons may function in only one role when providing services. When providing services as a psychological testing technician, this section shall apply.~~

SEC. 2.

Section 2987 of the Business and Professions Code is amended to read:
2987.

The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

- (a) The application fee for a psychologist shall not be more than fifty dollars (\$50).
- (b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.
- (c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.
- (d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).
- (e) The application fee for registration as a registered psychological associate under Section 2913 shall not be more than seventy-five dollars (\$75).
- (f) The annual renewal fee for registration of a psychological ~~assistant~~ associate shall not be more than seventy-five dollars (\$75).
- (g) The duplicate license or registration fee is five dollars (\$5).
- (h) The delinquency fee is 50 percent of the renewal fee for each license or registration type, not to exceed one hundred fifty dollars (\$150).
- (i) The endorsement fee is five dollars (\$5).
- (j) The file transfer fee is ten dollars (\$10).
- (k) The registration fee for a psychological testing technician shall be ~~forty~~ seventy-five dollars (~~\$40~~75).
- (l) The annual renewal fee for a psychological testing technician shall be seventy-five dollars (\$75).
- (m) The add or change of supervisor fee for a psychological testing technician shall be twenty-five dollars (\$25).

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Richard Roth, Chair
2021 - 2022 Regular

Bill No:	SB 1428	Hearing Date:	April 4, 2022
Author:	Archuleta		
Version:	February 18, 2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Alexandria Smith Davis		

Subject: Psychologists: psychological testing technician: registration

SUMMARY: Requires an individual performing psychological or neuropsychological tests to register as a psychological testing technician (PTT) with the Board of Psychology (Board) and renew their registration every two years; requires PTTs to obtain a bachelor's degree and complete 80-hours of specified training; and permits the Board to charge a fee for registration.

Existing law:

- 1) Establishes the Board within the Department of Consumer Affairs (DCA), responsible for the licensure and regulation of psychologists, and prohibits a person from engaging in the practice of psychology or representing oneself as a psychologist without a license issued by the Board, unless specifically exempted. (Business Professions Code (BPC) § 2900 *et seq.*)
- 2) Defines the practice of psychology as: rendering or offering to render to individuals, groups, organizations, or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations. (BPC § 2903)
- 3) Provides the application of the principles above to include, but is not restricted to: assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations. (BPC § 2903)
- 4) Establishes the following licensure requirements, for a psychologist applicant:
 - a) Possesses an earned doctorate degree in a specified field from an accredited institution.
 - b) Has engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, as specified in the Board's regulations.
 - c) Takes and passes the required examination unless exempted. (BPC § 2914)

- 5) Establishes a “psychological assistant” registration category and allows registrants to perform psychological functions in preparation for full licensure as a psychologist if the registrant:
 - a) Has completed either a master’s degree in psychology, master’s degree in education with a specialization, is enrolled in a qualified doctoral degree or completed a doctoral degree as specified; and
 - b) Is supervised by a licensed psychologist.
 - c) Does not provide psychological services to the public except as a supervisee. (BPC § 2913)
- 6) Prohibits a licensed psychologist or a board-certified psychiatrist from supervising more than three psychological assistants at any given time. (BPC § 2913(c)(2))

This bill:

- 1) Defines a licensed psychologist, for purposes of this bill, to mean a psychologist licensed by the Board or a psychologist licensed at the doctoral level in another state or territory of the United States or in Canada.
- 2) Requires a person providing psychological or neuropsychological test administration and scoring services to register with the Board and meet the following requirements:
 - a) Hold a bachelor’s degree or graduate degree in psychology or a related field that the Board determines meets the requirements of the bill.
 - b) Complete a minimum of 80 hours of education and training in psychological or neuropsychological test administration and scoring.
- 3) Requires the additional 80 hours of training to include, at minimum:
 - a) 20 hours of education on topics including, but not limited to law and ethics, confidentiality, and best practices for test administration and scoring.
 - b) 20 hours of direct observation of a licensed psychologist or registered psychological testing technician administering and scoring tests, if observation of a licensed psychologist equals at least 50 percent of those hours.
 - c) 40 hours of administering and scoring tests in the presence of a licensed psychologist or registered psychological testing technician, if a licensed psychologist is present for at least 50 percent of those hours.
- 4) Permits the required 80 hours of training as referenced in 3) above to be obtained by:

- a) Participating in individual or group instruction provided by a licensed psychologist;
 - b) Taking continuing education courses approved by organizations approved by the Board, by engaging in independent learning directed by a licensed psychologist; or
 - c) Completing graduate-level coursework at an accredited university, college, or professional school.
- 5) Prohibits psychological testing technicians from using the title “psychologist” and selecting tests, or versions of the test to interpret test results, writing test reports, or providing test feedback to clients.
- 6) Permits PTTs to observe and describe clients’ test.
- 7) Requires a psychologist licensed by the Board to immediately supervise PTTs; and
- a) To be employed by, or contracted to, the same work setting as the PTT they are supervising.
 - b) To be available, in-person, by telephone, or by other appropriate technology, at all times the PTT provides services.
 - c) Ensure that the extent, kind, and quality of the psychological testing services that the PTT performs are consistent with their training and experience.
 - d) Monitor the PTT’s compliance with these requirements and any forthcoming regulations.
 - e) Ensure that the client is informed prior to the rendering of services by a PTT that the technician is not registered as a PTT and is functioning under the authority of the supervisor.
- 8) Permits psychology students, psychological assistants, and any other psychology trainees who meet the requirements described above to register with the Board as a PTT.
- 9) Establishes a \$40 fee for registration as a PTT.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by Legislative Counsel.

COMMENTS:

1. **Purpose.** This bill is sponsored by the California Psychological Association. According to the Author, “The use of technicians primarily allows the psychologist to utilize their time more efficiently and productively, freeing them to engage in the interpretation of the results while also being able to provide additional services that require their specified skill-set, such as providing psychotherapy or cognitive

rehabilitation, treatment planning, psychoeducational services, engaging in research, and supervising psychological assistants.” The Author asserts that “A California psychologist who employs a technician to perform administration and scoring of psychological testing may be subject to liability imposed by the Board of Psychology subject to civil and even criminal charges. Moreover, billing of any services provided by the unlicensed technician may risk liability to third-party payers.”

According to the Author, “Recent changes to billing and practice recommendations at the Centers for Medicare and Medicaid Services (CMS) require clarification of technician use at the state level...Significant increases in the demand for psychological care, due to the COVID-19 pandemic, recent changes in state law, and an increase in the awareness of mental health, have made it increasingly difficult to access psychological services...Lack of clarity in the law creates the potential for legal ramifications, revocations of licensure, or challenges to payment against psychologists who wish to utilize technicians in their practice.”

2. **Background.**

Board of Psychology. The Board regulates licensed psychologists, psychological assistants, and registered psychologists through the enforcement of the Psychology Licensing Law. The practice of psychology is defined as the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

Broadly, only licensed psychologists can practice psychology independently in California. Registered psychologists are registrants who work and train under supervision in non-profit agencies that receive government funding. Finally, psychological assistants provide psychological services under the supervision of a qualified licensed psychologist or board-certified psychiatrist, generally to accrue the necessary supervised hours to obtain full licensure as a psychologist.

The Board reported in its 2020 sunset review report to the Legislature that it was experiencing a notable increase in the average time to process complete applications and a significant increase in the average time to process incomplete applications in the past three fiscal years. Additionally, the number of pending applications outpaced completed applications. *It is unknown how many new registrant applications the Board will receive as a result of this bill.*

Neuropsychological and psychological testing. A neuropsychological evaluation is a test to measure how well a person's brain is working. The abilities tested include reading, language usage, attention, learning, processing speed, reasoning, remembering, problem-solving, mood and personality. For example, neuropsychological testing is used to determine diseases and disorders such as Alzheimer's. Psychological testing is used to also diagnose and identify psychiatric

and developmental disorders, such as anxiety, depression, ADHD, and autism spectrum disorders. On average, these tests take 6-8 hours to perform.

The “Standards for Educational and Psychological Testing” are developed by a task force convened by the American Psychological Association to inform faculty, supervisors, students and the public on quality practices for education and training in psychological assessment. The standards are periodically reviewed and revised to reflect developments in discipline. These standards are referred to as the “gold standard” for testing technicians to learn how to properly administer testing.

Access to Mental Health Services. Like many states across the country, California is facing an increased need for mental health access and professionals to provide critical mental health services. In this vein, Governor Newsom has proposed a Community Assistance, Recovery, and Empowerment Court that is aimed “to assist people living with untreated mental health and substance abuse challenges.” Senator Weiner introduced SB 964 (Weiner, of 2022) which calls for an analysis of the practice laws for behavioral health workers, as well as health plan hiring guidelines and practices for different behavioral health certification and license types. Mental health providers are critical for patient health and as such, it is necessary to keep access to entry to this profession reasonable and appropriate. Creating barriers will exacerbate the issue and creating any new type of registration, certification or license must be considered carefully.

Center for Medicare and Medicaid Services (CMS) currently allows for technicians to perform psychological services. According to CMS, “Psychological testing requires a clinically trained examiner.” (CMS Publication 100-02: Medicare Benefit Policy Manual, Chapter 15, §80.2) The Author reports CMS guidelines are one of the primary purposes for creating a registration process. However, a clinically trained examiner is not further defined and, other states are currently using testing technicians without registration. It is not clear if a formal registration process that this bill proposes is necessary for billing purposes.

Currently, PTTs serve as an aide in order to increase access to services by delegating or outsourcing tasks that do not need a psychologist. Current California law does not prohibit the use of testing technicians and, in fact, already allows certain professional licensees the ability to do this work. It is unclear how many people are currently providing this service. Psychology students, psychological assistants, psychology trainees, licensed professional clinical counselors (LPCCs), licensed marriage and family therapists (LMFTs), and licensed clinical social workers (LCSWs) can already do this work without registering with the Board or completing the 80 hours of additional training that this bill prescribes. LMFTs and LPCCs both receive some training in psychological testing as a requirement of licensure. The Author reports there is limitation to what LMFTs and LPCC can assess. However, the National Academy of Neuropsychology (NAN) indicate that a minimum of a bachelor’s degree and training should be required as part of national standards. These license types all have a minimum of a master’s degree so by the NAN standards should be qualified to perform these tests. As it is currently written, this bill does not provide a pathway for other licensed behavioral health providers to offer these critical testing services, services which they are currently performing.

Legal Ramifications. The author reports, “This lack of clarity and providing for explicit allowances of technicians within the law is not an idle matter.” New York addressed the issue within the state’s psychologist scope of practice act, but psychologists were unsatisfied with this approach and the issue was legislated again to be more prescriptive for PTTs (see below for New York’s current law). It is unclear what legal ramifications might result from no action on this issue given there is no statute or regulation prohibiting this work.

Education. The American Psychological Association’s Model Act for State Licensure of Psychologists suggests that states adopt the following:

Nothing in this section shall be construed to apply to any person other than ... (c) a qualified assistant, technician, or associate employed by, or otherwise directly accountable to, a licensed psychologist. Such individuals may, among other things, administer and score neuropsychological tests at the request of the supervising psychologist, but may not interpret such tests. The Board in regulations shall determine the number of assistants, technicians and associates that a psychologist may employ and the conditions under which they will be supervised.

The above is far less cumbersome for PTTs than the requirements of this bill. This bill adds 80-hours of additional education with a registration process. It is unclear the added value for these additional requirements that differ from the national standard.

Other States. In 2016, New York passed legislation to allow testing technicians to administer and score standardized objective psychological or neuropsychological tests. Testing technicians must have a bachelor’s degree and receive 80 hours of training by a licensed psychologist. Testing technicians do not need to register with the state of New York; instead, licensed psychologist must notify the state they will utilize a testing technician. (New York, Education Law §7605)

Texas allows licensed psychologist to delegate testing or a service if the psychologist determines the person can properly and safely perform, the person does not represent to the public they can practice psychology and is performed in a customary manner. Texas law also states that for purpose of billing the test or service is considered to be delivered by the delegating psychologist. (22 TAC Part 21 Chapter 463 § 501.23)

In Oregon, a licensed psychologist may delegate administration and scoring of tests to technicians if the licensee ensures the technicians are adequately trained to administer and score the specific test being used; and ensures that the technicians maintain standards for the testing environment and testing administration as set forth in the American Psychological Association Standards for Educational and Psychological Tests (1999) and Ethical Principles for Psychologists (2002). (Oregon, OAR Chapter 858 858-010-0002)

3. **Licensure, Recognition and Regulation.** According to a 2002 article featured in the *Yale Journal of Regulation*, to protect the public from potentially harmful health services rendered by unqualified people, each state has enacted licensing laws, or

practice acts. The article noted that typically, these laws do three things: (1) They define the practice of the profession in question; (2) they limit that practice to people who satisfactorily complete a specified training regime and pass an examination; and (3) they restrict to license holders both the use of the professional title or credentials and the performance of the defined practice functions.

According to “*A Theory of Regulation: A Platform for State Regulatory Reform*”, 5:2 CAL. REG. L. REP. 3 (Spring 1985), “Government should regulate a particular trade or profession only after an honest assessment of the marketplace and any flaws which present a threat of irreparable harm, or prevent normal marketplace functioning from driving out incompetent, dishonest, or impaired practitioners. The article outlines that “licensing is one form of regulation but should be reserved for trades and professions in which incompetence is likely to cause irreparable harm — that is, harm for which money cannot compensate. If there is likely irreparable harm, then a prior restraint- type barrier to entry (licensing) which addresses and prevents that precise harm should be imposed; additionally, the licensing agency should set industrywide standards of conduct and ethics, and police violations of those standards through a vigorous enforcement program”. According to the article, in the absence of probable irreparable harm, numerous regulatory alternatives to licensing exist, including the posting of a bond to ensure a fund to compensate injured consumers, a certification program which has the effect of disclosing information to consumers about the qualifications of a practitioner and protects the use of a title or a permit program, as some examples.

A practice act along with licensure confers the exclusive right to practice a given profession on practitioners who meet specified criteria related to education, experience, and examination, and often is embodied in a statutory licensing act (i.e., those who are not licensed cannot lawfully practice the profession). A practice act is the highest and most restrictive form of professional regulation, and is intended to avert severe harm to the public health, safety or welfare that could be caused by unlicensed practitioners.

A title act and a certification or registration program, on the other hand, reserves the use of a particular professional (named) designation to practitioners who have demonstrated specified education, experience or other criteria such as certification by another organization. A title act typically does not restrict the practice of a profession or occupation and allows others to practice within that profession; it merely differentiates between practitioners who meet the specified criteria, and are authorized by law to represent themselves accordingly, (usually by a specified title) and those who do not. Some title acts also include a state certification or registration program, or reliance on a national certification or registration program, so that those who use the specified title, and hold themselves out to the public, have been certified or registered by a state created or national entity as having met the specified requirements. This entity may also regulate to some extent the activities of the particular profession by setting standards for the profession to follow, and to also provide oversight of the practice of the profession by reporting unfair business practices or violations of the law and either denying or revoking a certification or registration if necessary.

A number of regulatory entities currently have both a licensure process and scheme and a registration pathway for different providers and individuals. Even a registration requirement carries a number of steps for a regulatory program to undertake in order to ensure an individual can receive registration. While this bill establishes a registration requirement, it does not outline all of the various parameters by which the Board would actually register people, including, some of the necessary aspects of the application process like background checks, registration renewal steps, an assessment of the cost for registration and how to capture the related workload in the form of fees, and the enforcement of registered PTTs. Clear guidelines and standards currently absent in the measure are key to achieving the goal of registering PTTs.

4. **Occupational Licensing.** Recent studies and reports have focused on the impacts of licensing requirements for employment and on individuals seeking to become employed. According to a July 2015 report on occupational licensing released by the White House, strict licensing creates barriers to mobility for licensed workers, citing several groups of people particularly vulnerable to occupational licensing laws, including former offenders, military spouses, veterans and immigrants.

In October 2016, the Little Hoover Commission released a report entitled *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers*. The report noted that one out of every five Californians must receive permission from the government to work, and for millions of Californians that means contending with the hurdles of becoming licensed. The report noted that many of the goals to professionalize occupations, standardize services, guarantee quality and limit competition among practitioners, while well intended, have had a larger impact of preventing Californians from working, particularly harder-to-employ groups such as former offenders and those trained or educated outside of California, including veterans, military spouses and foreign-trained workers. The study found that occupational licensing hurts those at the bottom of the economic ladder twice: first by imposing significant costs on them should they try to enter a licensed occupation and second by pricing the services provided by licensed professionals out of reach.

The report found that California compares poorly to the rest of the nation in the amount of licensing it requires for occupations traditionally entered into by people of modest means. According to the report, researchers from the Institute for Justice selected 102 lower-income occupations, defined by the Bureau of Labor Statistics as making less than the national average income, ranging from manicurist to pest control applicator. Of the 102 occupations selected, California required licensure for 62, or 61 percent of them. According to the report, California ranked third most restrictive among 50 states and the District of Columbia, following only Louisiana and Arizona. California ranked seventh of 51 when measuring the burden imposed on entrants into these lower- and moderate-income occupations: on average, Californians typically pay about \$300 in licensing fees, spend 549 days in education and/or training and pass one exam. *This bill could result in unintended consequences of providing barriers to entry to an existing profession, with services performed by existing professionals.*

5. **Arguments in Support.** According to the California Psychological Association, “the use of technicians allows the psychologist to utilize their time more efficiently and

productively, freeing them to engage in the interpretation of the test results, develop an appropriate treatment plan, and work directly with patients.”

6. Policy Issues for Consideration.

Registration May Be a Barrier to Employment. In addition to the numerous behavioral health professionals that are able to do this work, the state does not limit the use of testing technicians. Neuropsychologists and psychologists can already employ persons to do this work. As referenced above, some states have enumerated in their state laws the ability to use such persons but they are not required to be registered with the state. Others have given clear requirements; however each of the examples above have not required a registration process. This bill creates a registration process administered by a state entity which inherently creates a number of additional requirements an individual must meet in order to perform these important services, including for individuals likely doing testing work today. Information provided by the Author and Sponsor indicate that a goal for registration is “clarity”, however there may be less onerous pathways to clarify who is qualified and thus eligible to safely provide these key, necessary testing services without the establishment of a registration process administered by one licensing board.

California law currently does not prohibit the use of testing technicians but as a result of this bill, individuals performing certain tests will have to register with the Board. This bill does not address the impact to current professionals and their future in this career with additional requirements. *The Author should consider what, if any, alternatives exist to achieve the goal of increased access to testing services*

Educational Requirements. This bill requires an individual to obtain a bachelor’s degree and complete 80 hours of additional prescribed training in order to perform services they may be performing today. It is unclear how 80 hours was determined, whether anything less poses a demonstrable risk to consumers receiving the service, if this is based on a national standard or best practice, and whether this is the amount of training that assures patient and consumer safety in the administration of neuropsychological or psychological tests. While other states allow for on-the-job training, this bill specifies education prior to registration. On-the-job training is a tool used to remove barriers to entry and ensure professionals are paid for their work. *The Author should continue to work with stakeholders to determine the necessary training requirements in order to conduct testing and should explore what opportunities exist for supervised work experience to be applied to state mandated training hour requirements.*

Implementation. As noted above, while this bill creates a mandatory registration for PTTs, implementation at the Board level will require a number of changes and further specificity. There are numerous registration programs with the boards and bureaus at DCA. Each of them have a robust process for reviewing, approving, and denying. In order for this bill to be implemented the following policy issues should be addressed: fingerprinting and criminal history, approval and denial guidelines, process for applicant submission, length the Board has to review the application, education and training verification, enforcement mechanisms, educational course approvals, and reciprocity.

Supervision. For purposes of supervising and training a proposed registered PTT, this bill defines a “licensed psychologist” as someone “licensed by the board or a psychologist licensed at the doctoral level in another state or territory of the United States or in Canada”. This definition is unclear as it applies to the added section of law. Managing or training technicians from another state or country may not be appropriate. The rationale for state-mandated recognition of a profession in order for individuals to perform the related services within that job is usually to ensure consumer safety and public protection. *As currently drafted, this reference and definition are unclear. The bill states the definition of “licensed psychologist” applies to entirety of the section, not just the training paragraph. If the intent is allow out of state supervising, it is not clear how that is achieved by requiring supervision and training but allowing that supervision and training to be provided by an individual in another state or country. If the intent is only for the definition to apply to training, the author may wish to clarify this definition.*

Additionally, while the bill enumerates PTTs must be under the immediate supervision of a licensed psychologist, responsibility for patient and consumer protection lacks clarity. *The bill could be enhanced and clarified if language is included to specify that supervising psychologists are responsible for ensuring PTTs maintain testing standards set forth by the American Psychological Association.*

SUPPORT AND OPPOSITION:

Support:

California Psychological Association (Sponsor)
County Behavioral Health Directors Association
National Union of Healthcare Workers

Opposition:

None received

-- END --

SB-1428 Psychologists: psychological testing technician: registration

SECTION 1.

Section 2910.5 is added to the Business and Professions Code, to read:

2910.5.

(a) This chapter shall authorize a person to provide psychological or neuropsychological test administration and scoring services if the person is gaining the experience described in subparagraph (C) of paragraph (3) or if all of the following conditions are met:

(1) The person is registered with the board as a psychological testing technician. This registration shall be renewed biannually.

(2) The person holds a bachelor's degree or graduate degree in psychology or a related field from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

(3) The person has completed a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring, which shall include all of the following:

(A) At least 20 hours of education on topics including, but not limited to, law and ethics, confidentiality, and best practices for test administration and scoring.

(B) At least 20 hours of direct observation of a licensed psychologist or registered psychological testing technician administering and scoring tests, if observation of a licensed psychologist equals at least 50 percent of those hours.

(C) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist or registered psychological testing technician, if a licensed psychologist is present for at least 50 percent of those hours.

(b) The education required by paragraph (3) of subdivision (a) of this section may be obtained by participating in individual or group instruction provided by a licensed psychologist, by taking continuing education courses approved by organizations approved by the board, by engaging in independent learning directed by a licensed psychologist, or by completing graduate-level coursework at an accredited university, college, or professional school.

(c) For purposes of this section, "licensed psychologist" means a psychologist licensed by the board or a psychologist licensed at the doctoral level in another state or territory of the United States or in Canada.

(d) A psychological testing technician shall only use the titles "psychological testing technician" or "neuropsychological testing technician." A registered psychological testing technician shall not use the title "psychologist" or any title incorporating the word "psychologist."

(e) A psychological testing technician may administer and score standardized objective psychological and neuropsychological tests and may observe and describe clients' test behavior and test responses. Psychological testing technicians shall not select tests, or versions of tests, interpret test results, write test reports, or provide test feedback to clients.

(f) (1) All psychological and neuropsychological testing services provided by a psychological testing technician shall be under the immediate supervision of a psychologist licensed by the board.

(2) Supervisors of psychological testing technicians shall be employed by, or contracted to, the same work setting as the psychological testing technician they are supervising.

(3) Supervisors of psychological testing technicians shall be available, in-person, by telephone, or by other appropriate technology, at all times the psychological testing technician provides services.

(4) Supervisors of psychological testing technicians shall be responsible for ensuring that the extent, kind, and quality of the psychological testing services that the psychological testing technician performs are consistent with the technician's training and experience. Supervisors of psychological testing technicians shall be responsible for monitoring the psychological testing technician's compliance with this chapter and regulations.

(5) Supervisors of psychological testing technicians shall ensure that the client is informed prior to the rendering of services by a psychological testing technician that the technician is not registered as a psychological testing technician and is functioning under the authority of the supervisor.

(g) Psychology students, psychological assistants, and any other psychology trainees who meet the requirements described in this section may register with the board as a psychological testing technician. These persons may function in only one role when providing services. When providing services as a psychological testing technician, this section shall apply.

SEC. 2.

Section 2987 of the Business and Professions Code is amended to read:

2987.

The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall not be more than fifty dollars (\$50).

(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).

(e) The application fee for registration as a registered psychological associate under Section 2913 shall not be more than seventy-five dollars (\$75).

(f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars (\$75).

(g) The duplicate license or registration fee is five dollars (\$5).

(h) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed one hundred fifty dollars (\$150).

(i) The endorsement fee is five dollars (\$5).

(j) The file transfer fee is ten dollars (\$10).

(k) The registration fee for a psychological testing technician shall be forty dollars (\$40).

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

SEC. 3.

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

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #14(b)(2)(A) – AB 1795 (Fong) Open meetings: remote participation

Background:

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

Location: Assembly Committee on Governmental Organization

Status: 2/18/2022 Referred to Committee on Governmental Organization

Action Requested:

As this bill is unlikely to gain traction with similar language in AB 1733 (Quirk), the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 1795 (Fong).

Attachment A: AB 1795 (Fong) Bill Text

AB-1795 Open meetings: remote participation

SECTION 1.

Section 11123 of the Government Code is amended to read:

11123.

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state ~~body~~ *body, including by both in-person and remote participation*, except as otherwise provided in this article. *For purposes of this subdivision, "remote participation" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.*

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

SEC. 2.

Section 11125.7 of the Government Code is amended to read:

11125.7.

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state ~~body~~ *body, including by both in-person and remote participation*, on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public. *For purposes of this subdivision, "remote participation" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.*

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(c) (1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator or other translating technology to ensure that non-English speakers receive the same opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e) This section is not applicable to any of the following:

(1) Closed sessions held pursuant to Section 11126.

(2) Decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(3) Hearings conducted by the California Victim Compensation Board pursuant to ~~Sections 13963 and 13963.1.~~ *Section 13959.*

(4) Agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(B) – AB 1860 (Ward) Open meetings: remote participation

Background:

This bill would exempt graduate student interns participating in supervised internships affiliated with graduate university programs in psychology, social work, marriage and family therapy, or counseling, and who are completing supervised practicum hours within alcoholism or drug abuse recovery and treatment programs from the certification requirement.

Location: Assembly Committee on Appropriations

Status: 3/28/2022 Re-referred to Committee on Appropriations pursuant to Joint Rule 10.5.

Action Requested:

As the Board does not have involvement with Substance Abuse Counselor certification programs, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 1860 (Ward).

Attachment A: AB 1860 (Ward) Bill Text

AB-1860 Substance abuse treatment: certification

SECTION 1.

Section 11833 of the Health and Safety Code is amended to read:

11833.

(a) The department shall have the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under this part.

(b) (1) Except for licensed professionals, as defined by the department, *and graduate students affiliated with university programs in psychology, social work, marriage and family therapy, or counseling, who are completing their supervised practicum hours to meet postgraduate requirements*, the department shall require that an individual providing counseling services working within a program described in subdivision (a) be registered with or certified by a certifying organization approved by the department to register and certify counselors.

(2) A program providing practicum for graduate students exempted from registration in paragraph (1) shall notify the department if a graduate student is removed from the practicum as a result of an ethical or professional conduct violation, as determined by either the university or the program.

(3) The department shall report a graduate student identified in paragraph (2) to all department-approved certifying organizations in a manner to be determined by the department.

~~(2)~~ (4) The department shall not approve a certifying organization that does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had ~~his or her~~ *their* registration or certification ~~revoked~~. *revoked or has been removed from a postgraduate practicum for an ethical or professional violation.*

(c) If a counselor's registration or certification has been previously ~~revoked, the~~ *revoked or the individual has been removed from a postgraduate practicum for an ethical or professional conduct violation, the* certifying organization shall deny the request for registration and shall send the counselor a written notice of denial. The notice shall specify the counselor's right to appeal the denial in accordance with applicable statutes and regulations.

(d) The department shall have the authority to conduct periodic reviews of certifying organizations to determine compliance with all applicable laws and regulations, including subdivision (c), and to take actions for noncompliance, including revocation of the department's approval.

(e) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions until the time that regulations are adopted.

(2) The department shall adopt regulations by December 31, ~~2017~~, 2023, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #Item 14(b)(2)(C) – AB 1921 (Jones-Sawyer) Correctional Officers

Background:

This bill would allow a correctional officer employed by the Department of Corrections and Rehabilitation to receive a confidential mental health evaluation every calendar year to determine whether the individual has an emotional or mental condition that might adversely affect their exercise of the duties and powers of a correctional officer. The bill would specify the training and experience required for those conducting the evaluations. If a mental health evaluator determines that the individual has a condition that might adversely affect their exercise of the duties and powers of a correctional officer, the bill would require the evaluator to notify the correctional officer of that determination and to provide mental health resources, as specified. The bill would require the correctional officer to be allowed to receive treatment from a mental health professional of their choosing, and would require the costs of the mental health evaluation and treatment to be paid for by the department. As an incentive to participate in the mental health evaluation and treatment, the bill would allow for monetary bonuses, as specified. The bill would prohibit the evaluation from being shared with the Department of Human Resources without the affirmative and informed written consent of the correctional officer. The bill would prohibit the evaluation from being shared with the Department of Corrections and Rehabilitation, or an individual or entity with authority over the department, as specified, and would prohibit the employer from taking action, as specified, against a correctional officer for being evaluated or for accessing mental health or other resources as a result of that evaluation. The bill would become operative only upon an agreement between an employer and a recognized employee organization or bargaining unit pursuant to specified provisions.

Location: Assembly Committee on Public Employment and Retirement

Status: 3/16/2022 - From committee: Do pass and re-refer to Committee on Public Employment & Retirement with recommendation: To Consent Calendar.
(Ayes 7. Noes 0.)

Action Requested:

As this bill includes psychologists among the list of mental health evaluators, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 1921 (Jones-Sawyer).

Attachment A: AB 1921 (Jones-Sawyer) Bill Text

AB-1921 Correctional officers

SECTION 1.

Section 13601.5 is added to the Penal Code, to read:

13601.5.

(a) The Legislature finds and declares all of the following:

(1) The emotional and mental well-being of correctional officers is critical to maintaining a safe environment for staff and inmates in the facilities of the Department of Corrections and Rehabilitation.

(2) Correctional officers are exposed to violence at rates roughly comparable to military veterans.

(3) Correctional officers have a high incidence of serious stress-related illnesses compared to average Americans.

(4) Unidentified and untreated mental health issues have serious negative impacts on correctional officers and their families and the dynamics of a correction environment, and affect their ability to carry out their duties in a safe and appropriate manner.

(5) Correctional officers' mental health needs are often overlooked until a response is necessitated by negative behavior or a significant event.

(6) Correctional officers are currently required to have a mental health evaluation prior to employment with the Department of Corrections and Rehabilitation.

(7) Routine engagement and evaluation can improve early detection or even prevent serious mental health issues.

(b) Notwithstanding any other law, a correctional officer for the Department of Corrections and Rehabilitation, as defined in subdivision (b) of Section 830.5, shall be entitled to receive a mental health evaluation once every calendar year. An evaluation pursuant to paragraph (2) of subdivision (a) of Section 13601 within the calendar year satisfies this subdivision. Yearly mental health evaluations conducted pursuant to this subdivision shall be separated by at least six months.

(1) Mental health evaluations shall be conducted through the Department of Human Resources by either of the following:

(A) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and

mental disorders, including the equivalent of three full-time years accrued after receipt of their doctorate degree.

(2) The mental health evaluation shall include a determination of whether the individual has an emotional or mental health condition that might adversely affect their exercise of the duties and powers of a correctional officer employed by the Department of Corrections and Rehabilitation. The evaluator shall share this information with the correctional officer.

(3) The mental health evaluation shall be confidential between the evaluator and the correctional officer and shall only be shared with the Department of Human Resources at the sole discretion, and with the affirmative and informed written consent, of the correctional officer. The evaluation shall not be shared with any individual or entity with authority over the Department of Corrections and Rehabilitation pursuant to a lawfully declared receivership, an appointee, executive, manager, or employee that has supervisory responsibilities, or any other employee employed by or having jurisdiction over the Department of Corrections and Rehabilitation. The evaluation shall not be shared by any appointee, executive, manager, or other employee who has access to, or may access, personnel records at the Department of Human Resources with the Department of Corrections and Rehabilitation.

(4) (A) The mental health evaluator shall provide the individual with information on mental health treatment or other mental health resources. The mental health evaluator shall provide a list of mental health professionals, including, but not limited to, psychiatrists, psychologists, licensed clinical social workers, marriage family therapists, and other qualified therapists, with specific experience working with mental health issues experienced by first responders, law enforcement, or military personnel.

(B) A participating correctional officer shall receive mental health treatment from a qualified, licensed mental health professional of their choosing. The correctional officer may receive treatment from a mental health professional who is not on the list provided by the mental health evaluator.

(C) Any and all costs for and related to the mental health evaluation, treatment, and other resources shall be paid for by the department. The department shall not pass any costs for or related to the mental health evaluation, treatment, and other resources on to the correctional officer directly or indirectly, including, but not limited to, increased insurance premiums paid by the correctional officer.

(c) (1) Participation in mental health treatment or accessing mental health resources as a result of that evaluation is voluntary. A correctional officer shall not be disciplined, discharged, demoted, suspended, retaliated against, subjected to an adverse action, or in any other manner discriminated against for being evaluated pursuant to subdivision (b), for participating in mental health treatment, or for accessing other mental health resources as a result of that evaluation.

(2) Correctional officers participating in the mental health evaluation or receiving mental health treatment shall receive a bonus of ____ dollars (\$____) for each evaluation and subsequent treatment with a mental health professional received pursuant to

subdivision (b). A participating correctional officer shall not be entitled to a bonus for more than one mental health treatment session per quarter. The bonus shall be paid on a quarterly basis.

(d) The provisions of this section, in whole or in part, shall not become operative unless an agreement has been reached between the employer and a recognized employee organization or bargaining unit pursuant to Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1 of the Government Code.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(D) – AB 1988 (Bauer-Kahan) Warren-911-Emergency Assistance Act and Miles Hall-988-Mental Health and Suicide Prevention Lifeline

Background:

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits “911” to be the primary emergency telephone number within the system.

Existing federal law, the National Suicide Hotline Designation Act of 2020, designates the 3-digit telephone number “988” as the universal number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Abuse and the Veterans Crisis Line maintained by the Secretary of Veterans Affairs.

This bill would change the name of the Warren-911-Emergency Assistance Act to the Warren-911-Emergency Assistance Act and Miles Hall-988-Mental Health and Suicide Prevention Lifeline.

Location: Assembly Committee on Emergency Management

Status: 3/30/2022 Referred to Committee on Emergency Management.

Action Requested:

As the Board has historically been supportive of suicide prevention efforts, staff recommends the Board Watch AB 1988 (Bauer-Kahan).

Attachment A: AB 1988 (Bauer-Kahan) Bill Text

SECTION 1.

Section 53100 of the Government Code is amended to read:

53100.

(a) This article shall be known and may be cited as the Warren-911-Emergency Assistance ~~Act.~~ *Act and Miles Hall-988-Mental Health and Suicide Prevention Lifeline.*

(b) The Legislature hereby finds and declares that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid. There currently exist thousands of different emergency phone numbers throughout the state, and present telephone exchange boundaries and central office service areas do not necessarily correspond to public safety and political boundaries. Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public service efforts by making it less difficult to quickly notify public safety personnel. Such a simplified means of procuring emergency services will result in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals, and ultimately the saving of money. The Legislature further finds and declares that the establishment of a uniform, statewide emergency number is a matter of statewide concern and interest to all inhabitants and citizens of this state. It is the purpose of this act to establish the number "911" as the primary emergency telephone number for use in this state and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number "911" seeking police, fire, medical, rescue, and other emergency services.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(E) – AB 2080 (Wood) Health Care Consolidation and Contracting Fairness Act of 2022

Background:

This bill, the Health Care Consolidation and Contracting Fairness Act of 2022, would prohibit a contract issued, amended, or renewed on or after January 1, 2023, between a health care service plan or health insurer and a health care provider or health facility from containing terms that, among other things, restrict the plan or insurer from steering an enrollee or insured to another provider or facility or require the plan or insurer to contract with other affiliated providers or facilities. The bill would authorize the appropriate regulating department to refer a plan's or insurer's contract to the Attorney General, and would authorize the Attorney General or state entity charged with reviewing health care market competition to review a health care practitioner's entrance into a contract that contains specified terms. Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

Location: Assembly Committees on Health and Judiciary

Status: 2/24/2022 Referred to Committees on Health and Judiciary

Action Requested:

As the portion of this bill noted above affects the general provisions of the California Business and Professions Code, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 2080 (Wood).

Attachment A: AB 2080 (Wood) Bill Text

AB-2080 Health Care Consolidation and Contracting Fairness Act of 2022

SECTION 1.

This act shall be known and may be cited as the Health Care Consolidation and Contracting Fairness Act of 2022.

SEC. 2.

Section 685 is added to the Business and Professions Code, to read:

685.

(a) Notwithstanding any other law, a health care practitioner licensed under this division shall not enter into, amend, enforce, or renew a contractual provision on or after January 1, 2023, with a health care service plan or health insurer that directly or indirectly does or implements any of the following:

(1) Restricts the health care service plan or health insurer from doing or implementing either of the following:

(A) Directing or steering enrollees or insureds to other health care practitioners.

(B) Offering incentives to encourage enrollees or insureds to utilize or avoid health care practitioners.

(2) Requires the health care service plan or health insurer to enter into an additional contract with any or all affiliates or individual facilities of any health care practitioner as a condition of entering into a contract.

(3) Requires the health care service plan or health insurer to agree to payment rates or terms for an individual facility or affiliate of any health care practitioner as a condition of entering into a contract.

(4) Requires the health care service plan or health insurer to agree to payment rates or other terms for an affiliate or individual facility that is not party to the contract.

(5) Restricts other health care service plans or health insurers that are not party to the contract from paying a lower rate for items or services than the rate the contracting plan pays for those items or services.

(6) Prevents a health care service plan or health insurer, directly or indirectly, from providing provider-specific cost or quality of care information, through a consumer engagement tool or any other means, to referring providers, the plan or insurer sponsor, enrollees, insureds, or eligible enrollees or insureds of the plan or insurer.

(b) A health care practitioner's entrance into a contract that does or implements any of the conduct described in subdivision (a) may be reviewed by the Attorney General and any other state entity charged with reviewing health care market competition for compliance with this section.

(c) Notwithstanding any other law, the Attorney General and any other state entity charged with reviewing health care market competition under this section shall be entitled to specific performance, injunctive relief, and other equitable remedies a court deems appropriate for enforcement of this section and shall be entitled to recover attorney's fees and costs incurred in remedying each violation.

(d) The Attorney General and any other state agency charged with reviewing health care market competition under this section may adopt regulations to implement this section.

(e) The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.

SEC. 3.

Section 5931 is added to the Corporations Code, to read:

5931.

(a) (1) A medical group, hospital or hospital system, health care service plan, health insurer, or pharmacy benefit manager, except for a nonprofit corporation subject to Sections 5914 and 5920, shall provide written notice to, and obtain the written consent of, the Attorney General before entering into an agreement or transaction to do either of the following:

(A) Sell, transfer, lease, exchange, option, encumber, convey, or otherwise dispose of a material amount of its assets.

(B) Transfer control, responsibility, or governance of a material amount of its assets or operations.

(2) The substitution of a new corporate member or members that transfers the control of, responsibility for, or governance of the nonprofit corporation shall be deemed a transfer for purposes of this article. The substitution of one or more members of the governing body, or an arrangement, written or oral, that would transfer voting control of the members of the governing body, shall also be deemed a transfer for purposes of this article.

(3) This section applies to a material change with a value of five million dollars (\$5,000,000) or more.

(b) (1) Subdivision (a) does not apply to a nonphysician provider. For purposes of this section, "nonphysician provider" means an individual or group of individuals licensed under Division 2 (commencing with Section 500) of the Business and Professions Code who does not provide health-related physician, surgery, or laboratory services to consumers.

(2) Subdivision (a) does not apply to an ambulatory surgical center that is not affiliated with or owned by a general acute care facility, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, and is any of the following:

(A) A surgical clinic licensed by the State Department of Public Health.

(B) An ambulatory surgical center certified by the federal Centers for Medicare and Medicaid Services to participate in the Medicare Program.

(C) An outpatient setting that is accredited by an accreditation agency approved by the Medical Board of California.

(c) The notice to the Attorney General pursuant to subdivision (a) shall be provided at least 90 days before the changes, and shall include and contain the information the Attorney General deems is required. The notice, including any other information that is provided to the Attorney General pursuant to this section and that is in the public file, shall be made available by the Attorney General to the public in written form, as soon as is practicable after it is received by the Attorney General. The notice shall include a list of the threshold languages for Medi-Cal beneficiaries, as determined by the State Department of Health Care Services. The Attorney General may require the medical group, hospital or hospital system, health care service plan, health insurer, or pharmacy benefit manager to provide certain components of the notice in any of these languages.

(d) The Attorney General shall have discretion to consent to, give conditional consent to, or not consent to an agreement or transaction described in subdivision (a). In making the determination, the Attorney General may consider any factors that the Attorney General deems relevant, including all of the following:

(1) Whether or not the proposed material change may have a significant impact on market competition or costs for payers, purchasers, or consumers.

(2) Whether or not the proposed material change may have a significant impact on the quality of care, including the ability to offer culturally competent and appropriate care.

(3) Whether or not the proposed material change may have a significant impact on the access to or availability of health care for payers, purchasers, or consumers.

(4) Whether or not the proposed material change is in the public interest.

(5) Whether or not the proposed material change is likely to maintain access to care in a rural community. If the Attorney General finds that access to care in a rural community will become more limited with the proposed material change, the Attorney General may approve the proposed material change, and may place conditions on the proposed material change.

(e) Within 90 days of the receipt of the written notice required by subdivision (a), the Attorney General shall notify the medical group, hospital or hospital system, health care service plan, health insurer, or pharmacy benefit manager of the decision to consent to,

give conditional consent to, or not consent to the agreement or transaction. The Attorney General may extend this period for one additional 45-day period if any of the following conditions apply:

- (1) The extension is necessary to obtain additional information.*
- (2) The proposed agreement or transaction is substantially modified after the original notice was provided to the Attorney General.*
- (3) The proposed agreement or transaction involves a multifacility health system serving multiple communities, rather than a single facility or entity.*
- (f) This section applies to a foreign corporation that operates or controls a medical group, hospital or hospital system, health care service plan, health insurer, or pharmacy benefit manager, if that entity provides similar health care or coverage to a domestic corporation, regardless of whether it is currently operating or has a suspended license.*
- (g) The Attorney General may adopt regulations to implement this section.*
- (h) The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.*

SEC. 4.

Section 5932 is added to the Corporations Code, to read:

5932.

- (a) Before issuing a written decision pursuant to Section 5931, the Attorney General shall conduct one or more public meetings on a major transaction. The Attorney General may also conduct one or more public meetings on other transactions.*
- (b) If the transaction involves a medical group or a hospital or hospital system, one of the public meetings shall be in the county in which the medical group or hospital is located, to hear comments from interested parties.*
- (c) At least 14 days before conducting the public meeting, the Attorney General shall provide written notice of the time and place of the meeting through publication in one or more newspapers of general circulation in the affected community and to the boards of supervisors of the county or counties in which the medical group or the hospital or hospital system is located. This notice shall be provided in English and in the primary languages spoken at the facility, if any, and the threshold languages for Medi-Cal beneficiaries, as determined by the State Department of Health Care Services.*
- (d) If a substantive change in the proposed agreement or transaction is submitted to the Attorney General after the initial public meeting, the Attorney General may conduct an*

additional public meeting to hear comments from interested parties with respect to that change.

(e) (1) With respect to a health care service plan, health insurer, or pharmacy benefit manager, “major transaction” has the same meaning as in Section 1399.65 of the Health and Safety Code.

(2) With respect to a hospital or hospital system, “major transaction” means a transaction that would have been subject to Section 5914 if it involved a nonprofit corporation.

(3) With respect to a medical group, the Attorney General shall define “major transaction” by regulation.

(f) The Attorney General may adopt regulations to implement this section.

SEC. 5.

Section 5933 is added to the Corporations Code, to read:

5933.

(a) (1) Within the time periods designated in Section 5931 and relating to the factors specified in Section 5931, the Attorney General may do both of the following:

(A) Contract with, consult, and receive advice from a state agency on the terms and conditions that the Attorney General deems appropriate.

(B) In the Attorney General’s sole discretion, contract with experts or consultants to assist in reviewing the proposed material change in control.

(2) Contract costs shall not exceed an amount that is reasonable and necessary to conduct the review and evaluation. A contract entered into under this section shall be on a noncompetitive bid basis and shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code. Upon request, the Attorney General shall be paid promptly by the entities seeking consent for all contract costs.

(3) The Attorney General shall be entitled to reimbursement from the entities seeking consent for all actual, reasonable, direct costs incurred in reviewing, evaluating, and making the determination referred to in this section, including administrative costs. The entities seeking consent shall promptly pay the Attorney General, upon request, for all of those costs.

(b) (1) To monitor effectively ongoing compliance with the terms and conditions of a material change of control subject to Section 5931, the Attorney General may, in their sole discretion, contract with experts and consultants to assist in this regard.

(2) Contract costs shall not exceed an amount that is reasonable and necessary to conduct the review and evaluation. A contract entered into under this section shall be on a noncompetitive bid basis and shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code. The entities seeking consent shall pay the Attorney General promptly for all contract costs.

(3) The Attorney General shall be entitled to reimbursement from either the selling or the acquiring entity, depending upon which one the burden of compliance falls, for all actual, reasonable, and direct costs incurred in monitoring ongoing compliance with the terms and conditions of the sale or transfer of assets, including contract and administrative costs. The Attorney General may bill either the selling or the acquiring entity and the entity billed by the Attorney General shall promptly pay for all of those costs.

(c) The Attorney General may adopt regulations to implement this section.

SEC. 6.

Section 1255.4 is added to the Health and Safety Code, to read:

1255.4.

(a) Notwithstanding any other law, a health facility shall not enter into, amend, enforce, or renew a contractual provision on or after January 1, 2023, with a health care service plan or health insurer that directly or indirectly does or implements any of the following:

(1) Restricts the health care service plan or health insurer from doing or implementing either of the following:

(A) Directing or steering enrollees or insureds to other health facilities.

(B) Offering incentives to encourage enrollees or insureds to utilize or avoid health facilities.

(2) Requires the health care service plan or health insurer to enter into an additional contract with any or all affiliates of the health facility, or individual facilities, as a condition of entering into a contract with a health facility.

(3) Requires the health care service plan or health insurer to agree to payment rates or terms for an individual facility or affiliate of the health facility as a condition of entering into a contract with a health facility, other individual facility, or affiliate.

(4) Requires the health care service plan or health insurer to agree to payment rates or other terms for an affiliate or individual facility that is not party to the contract.

(5) Restricts other health care service plans or health insurers that are not party to the contract from paying a lower rate for items or services than the rate the contracting plan or insurer pays for those items or services.

(6) Prevents a health care service plan or health insurer, directly or indirectly, from providing provider-specific cost or quality of care information, through a consumer engagement tool or any other means, to referring providers, the plan or insurer sponsor, enrollees, insureds, or eligible enrollees or insureds of the plan or insurer.

(b) The department may refer contracts subject to this section to the Attorney General or any other state entity charged with reviewing health care market competition to review the contract for compliance with this section. The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.

SEC. 7.

Section 1371.26 is added to the Health and Safety Code, to read:

1371.26.

(a) A contract issued, amended, or renewed on or after January 1, 2023, between a health care service plan offering coverage in the group market or individual market and a health care provider, network or association of health care providers, or other service provider offering access to a network of service providers shall not contain a contract term that directly or indirectly does or implements any of the following:

(1) Restricts the health care service plan from doing or implementing either of the following:

(A) Directing or steering enrollees to other health care providers.

(B) Offering incentives to encourage enrollees to utilize or avoid specific health care providers.

(2) Requires the health care service plan to enter into an additional contract with any or all affiliates or individual facilities of any provider as a condition of entering into a contract.

(3) Requires the health care service plan to agree to payment rates or terms for an individual facility or affiliate of any provider as a condition of entering into a contract with another provider, other individual facility, or affiliate.

(4) Requires the health care service plan to agree to payment rates or other terms for an affiliate or individual facility that is not party to the contract.

(5) Restricts other health care service plans or health insurers that are not party to the contract from paying a lower rate for items or services than the rate the contracting plan pays for those items or services.

(6) Prevents a health care service plan, directly or indirectly, from providing provider-specific cost or quality of care information, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, enrollees, or eligible enrollees of the plan.

(b) The director may refer contracts subject to this section to the Attorney General or any other state entity charged with reviewing health care market competition to review the contract for compliance with this section. The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.

SEC. 8.

The heading of Article 10.2 (commencing with Section 1399.65) of Chapter 2.2 of Division 2 of the Health and Safety Code is amended to read:

Article 10.2. Mergers and Acquisitions of and by Health Care Service Plans

SEC. 9.

Section 1399.65 of the Health and Safety Code is amended to read:

1399.65.

(a) (1) A health care service plan that intends to merge or consolidate with, or enter into an agreement resulting in its purchase, acquisition, or control by, any entity, including another health care service plan or a health insurer licensed under the Insurance Code, shall give notice to, and secure prior approval from, the director. *A health care service plan that intends to acquire or obtain control of an entity through a change of governance or control of a material amount of assets of that entity shall give notice to, and secure prior approval from, the director.*

(2) The transactions or agreements described in paragraph (1) may not be completed until the director approves the transaction or agreement.

(3) A health care service plan described in paragraph (1) shall meet all of the requirements of this chapter. The health care service plan shall file all the information necessary for the director to make the determination to approve, conditionally approve, or disapprove the transaction or agreement described in paragraph (1), including, but not limited to, a complete description of the proposed transaction or agreement, any modified exhibits for plan licensure pursuant to Section 1351, any approvals by federal or other state agencies required for the transaction or agreement, and any supporting documentation required by the director.

(4) The director may conditionally approve the transaction or agreement, contingent upon the health care service plan's agreement to fulfill one or more conditions to benefit subscribers and enrollees of the health care service plan, provide for a stable health care delivery system, ~~and~~ *control costs to subscribers and enrollees*, and impose other conditions specific to the transaction or agreement in furtherance of this chapter. The director shall engage stakeholders in determining the measures for improvement. For a major transaction or agreement, the director shall obtain an independent analysis of the impact of the transaction or agreement on subscribers and enrollees, the stability of the health care delivery system, and other relevant provisions of this chapter. For any other transaction or agreement, the director may obtain an independent analysis consistent with this paragraph.

(5) If an entity involved in the transaction or agreement is a nonprofit corporation described in Section 5046 of the Corporations Code, the health care service plan shall file all the information required by Article 11 (commencing with Section 1399.70).

(b) *(1)* In addition to any grounds for disapproval as a result of information provided by a health care service plan pursuant to paragraph (3) of subdivision (a), the director may disapprove the transaction or agreement if the director finds the transaction or agreement would substantially lessen competition in health care service plan products or create a monopoly in this state, including, but not limited to, health coverage products for a specific line of business. ~~In making this finding, the director may obtain an opinion from a consultant or consultants with the expertise to assess the competitive impact of the transaction or agreement.~~

(2) In addition to any grounds for disapproval as a result of information provided by a health care service plan pursuant to paragraph (3) of subdivision (a) or paragraph (1) of this subdivision, the director may disapprove the transaction or agreement if the director finds the transaction or agreement would substantially lessen competition in the health system or among a particular category of health care providers. In so doing, the director shall provide to the Attorney General information related to competition. The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.

(3) In making a finding pursuant to paragraph (1) or (2), the director may obtain an opinion from a consultant or consultants with the expertise to assess the competitive impact of the transaction or agreement.

(c) Prior to approving, conditionally approving, or disapproving a major transaction or agreement, the department shall hold a public meeting on the proposed transaction or agreement. For any other transaction or agreement, the department may hold a public meeting on the proposed transaction or agreement. The public meeting shall be conducted pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

The meeting shall permit the parties to the proposed transaction and members of the public to provide written and verbal comments regarding the proposed transaction. If a substantive change in the proposed transaction or agreement is submitted to the director after the initial public meeting, the director may conduct an additional public meeting to hear comments from interested parties with respect to that change. The director shall consider the testimony and comments received at the public meeting in making the determination to approve, conditionally approve, or disapprove the transaction or agreement.

(d) If the director determines a material amount of assets of a health care service plan is subject to purchase, acquisition, or control, the director shall prepare a statement describing the proposed transaction or agreement subject to subdivision (a) and make it available to the public. The statement shall be made available before the public meeting.

(e) This section does not limit the authority of the director to enforce any other provision of this chapter.

(f) For purposes of this section:

(1) "Acquiring" an entity includes the sale, transfer, lease, exchange, option, conveyance, or other disposition of an entity's assets by a health care service plan if a material amount of the assets of the entity are involved in the agreement or transaction.

~~(f) (2) For purposes of this section, "entity"~~ *"Entity"* means a health care service plan, an individual, a corporation, a limited liability company, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, any similar entity, or any combination thereof acting in concert.

~~(g) (3) (1) (A) For purposes of this section, "major"~~ *"Major"* transaction or agreement" means a transaction or agreement that meets any of the following criteria:

~~(A) (i)~~ *(i)* Affects a significant number of enrollees.

~~(B) (ii)~~ *(ii)* Involves a material amount of assets.

~~(C) (iii)~~ *(iii)* Adversely affects either the subscribers or enrollees or the stability of the health care delivery system because of the entity's market position, including, but not limited to, the entity's market exit from a market segment or the entity's dominance of a market segment.

~~(2) (B)~~ The director shall, upon request, make available to the public ~~his or her~~ *the director's* determination of whether a transaction or agreement meets the criteria set forth in this ~~subdivision~~ *paragraph*.

(4) "Obtaining control" of an entity occurs if the entity transfers control, responsibility, or governance of a material amount of its assets or operations to a health care service plan.

(5) "Transfer" includes the substitution of one or more new corporate members that would transfer the control of, responsibility for, or governance of the entity. "Transfer" also includes the substitution of one or more members of the entity's governing body, or an arrangement, written or oral, that would transfer voting control of the members of the governing body.

SEC. 10.

Section 10123.149 is added to the Insurance Code, to read:

10123.149.

(a) A contract issued, amended, or renewed on or after January 1, 2022, between a health insurer offering coverage in the group market or individual market and a health care provider, network or association of health care providers, or other service provider offering access to a network of service providers shall not contain a contract term that directly or indirectly does or implements any of the following:

(1) Restricts the health insurer from doing or implementing either of the following:

(A) Directing or steering insureds to other health care providers.

(B) Offering incentives to encourage insureds to utilize or avoid health care providers.

(2) Requires the health insurer to enter into an additional contract with any or all affiliates or individual facilities of a provider as a condition of entering into a contract.

(3) Requires the health insurer to agree to payment rates or terms for an individual facility or affiliate of any providers as a condition of entering into a contract with another provider, other individual facility, or affiliate.

(4) Requires the health insurer to agree to payment rates or other terms for an affiliate or individual facility that is not party to the contract.

(5) Restricts other health insurers or health care service plans that are not party to the contract from paying a lower rate for items or services than the rate the contracting plan pays for those items or services.

(6) Prevents a health insurer, directly or indirectly, from providing provider-specific cost or quality of care information, through a consumer engagement tool or any other means, to referring providers, the insurer sponsor, insureds, or eligible insureds of the insurer.

(b) The commissioner may refer contracts subject to this section to the Attorney General or any other state entity charged with reviewing health care market competition to review the contract for compliance with this section. The authority of the Attorney General to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated, or otherwise altered by this section.

SEC. 11.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 12.

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

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(F) – AB 2104 (Flora) Professions and vocations

Background:

This bill would require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

Location: Assembly Committee on Business and Professions

Status: 2/24/2022 Referred to Committee on Business and Professions

Action Requested:

As the Board is already in compliance with this provision, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 2104 (Flora).

Attachment A: AB 2104 (Flora) Bill Text

AB-2104 Professions and vocations

SECTION 1.

Section 163 of the Business and Professions Code is amended to read:

163.

Except as otherwise expressly provided by law, the department and each board in the department ~~shall~~ **may** charge a fee ~~of~~ **not to exceed** two dollars (\$2) for the certification of a copy of any record, document, or paper in its custody or for the certification of any document evidencing the content of any such record, ~~document~~ **document**, or paper.

SEC. 2.

Section 163.5 of the Business and Professions Code is amended to read:

163.5.

Except as otherwise provided by law, the delinquency, penalty, or late fee for any licensee within the Department of Consumer Affairs shall be 50 percent of the renewal fee for ~~such~~ **that** license in effect on the date of the renewal of the license, but ~~not less than twenty-five dollars (\$25) nor more than~~ **shall not exceed** one hundred fifty dollars (\$150).

A delinquency, penalty, or late fee shall not be assessed until 30 days have elapsed from the date that the licensing agency mailed a notice of renewal to the licensee at the licensee's last known address of record. The notice shall specify the date for timely renewal, and that failure to renew in a timely fashion shall result in the assessment of a delinquency, penalty, or late fee.

~~In the event~~ **if** a reinstatement or like fee is charged for the reinstatement of a license, the reinstatement fee shall be 150 percent of the renewal fee for such license in effect on the date of the reinstatement of the license, but not more than twenty-five dollars (\$25) in excess of the renewal fee, except that in the event that such a fee is fixed by statute at less than 150 percent of the renewal fee and less than the renewal fee plus twenty-five dollars (\$25), the fee so fixed shall be charged.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(G) – AB 2229 (Luz Rivas) Peace officers: minimum standards: bias evaluation

Background:

Existing law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

This bill would require that evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

Under existing law, the minimum education requirement for peace officers is high school graduation from a public school or other accredited high school, passing an equivalency test or high school proficiency examination, or attaining a 2-year, 4-year, or advanced degree from an accredited institution. Existing law requires accreditation to be from a state or local government educational agency, a regional accrediting association, an accrediting association recognized by the United States Department of Education, or an organization holding full membership in specified organizations, including AdvancED.

This bill would revise the accreditation standards to include an organization holding full membership in Cognia.

Location: Assembly Floor

Status: 3/30/2022 Read second time. Ordered to third reading.

Action Requested:

As this bill affects psychologists who perform these mental health evaluations, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 2229 (Luz Rivas).

Attachment A: AB 2229 (Luz Rivas) Bill Text

AB-2229 Peace officers: minimum standards: bias evaluation

SECTION 1.

Section 1031 of the Government Code is amended to read:

1031.

Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle Code.

(b) Be at least 18 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in ~~AdvancED~~, *AdvancED or Cognia*, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA).

(f) Be found to be free from any physical, emotional, or mental ~~condition~~ *condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation*, that might adversely affect the exercise of the powers of a peace officer.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

SEC. 2.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide immediate clarity of the minimum standards applicable to peace officers and to protect the health and safety of the members of the public with whom they interact as soon as possible, it is necessary for this act to take effect immediately.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(H) – AB 2274 (Blanca Rubio) Mandated reporters: statute of limitations

Background:

Existing law, the Child Abuse and Neglect Reporting Act, makes certain persons, including teachers and social workers, mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law generally requires prosecution of a misdemeanor to commence within one year after commission of the offense. Under existing law, a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault may be filed at any time within 5 years from the date of occurrence of the offense.

This bill would allow a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be child abuse or severe neglect, as defined, to be filed within one year of the discovery of the offense, but in no case later than 4 years after the commission of the offense.

Location: Assembly Floor

Status: 4/4/2022 Read second time. Ordered to third reading.

Action Requested:

As psychologists are mandated reporters, the Legislative and Regulatory Affairs Committee recommends the Board Watch AB 2274 (Blanca Rubio).

Attachment A: AB 2274 (Blanca Rubio) Bill Text

AB-2274 Mandated reporters: statute of limitations

SECTION 1.

Section 801.6 of the Penal Code is amended to read:

801.6.

Notwithstanding any other limitation of time described in this chapter, prosecution for any offense proscribed by Section 368, except for a violation of any provision of law proscribing theft or embezzlement, ~~or for the failure of a mandated reporter to report an incident under Section 11166 known or reasonably suspected by the mandated reporter to be sexual assault as defined in Section 11165.1,~~ may be filed at any time within five years from the date of occurrence of such offense.

SEC. 2.

Section 801.8 is added to the Penal Code, to read:

801.8.

(a) Notwithstanding any other limitation of time described in this chapter, prosecution for the failure of a mandated reporter to report an incident under Section 11166 known or reasonably suspected by the mandated reporter to be sexual assault as defined in Section 11165.1, may be filed at any time within five years from the date of occurrence of such offense.

(b) Notwithstanding any other limitation of time described in this chapter, prosecution for the failure of a mandated reporter to report an incident under Section 11166 known or reasonably suspected by the mandated reporter to be child abuse or severe neglect that is not described in subdivision (a), may be filed within one year of the discovery of the offense, but in no case later than four years after the commission of the offense.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(I) – SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees

Background:

Existing law establishes healing arts boards in the Department of Consumer Affairs to ensure private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Existing law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Existing law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Existing law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

This bill would instead require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee. The bill would make conforming and other nonsubstantive changes.

Location: Senate Committee on Business, Professions, and Economic Development

Status: 3/16/2022 Set for hearing April 18.

Action Requested:

As the Board is already in compliance with this provision, the Legislative and Regulatory Affairs Committee recommends the Board Watch SB 1031 (Ochoa Bogh).

Attachment A: SB 1031 (Ochoa Bogh) Bill Text

SB-1031 Healing arts boards: inactive license fees

SECTION 1.

Section 701 of the Business and Professions Code is amended to read:

701.

- (a) As used in this article, "board" refers to ~~any~~ *a* healing arts board, division, or examining committee ~~which~~ *that* licenses or certifies health professionals.
- (b) Each healing arts board referred to in this division shall issue, upon application and payment of the ~~normal~~ *inactive license* renewal fee, ~~an~~ *in an amount determined by the board pursuant to Section 703, an* inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by that board.

SEC. 2.

Section 703 of the Business and Professions Code is amended to read:

703.

- (a) An inactive healing arts license or certificate issued pursuant to this article shall be renewed during the same time period at which an active license or certificate is renewed. In order to renew a license or certificate issued pursuant to this article, the holder ~~thereof need not~~ *of the license or certificate is not required to* comply with any continuing education requirement for renewal of an active license or certificate.
- (b) ~~The~~ *Notwithstanding any other law, the* renewal fee for a license or certificate in an ~~active status shall apply also for~~ *inactive status shall be one-half of the amount of the fee for the* renewal of a license or certificate in an ~~inactive status, unless a lower fee has been established by the issuing board.~~ *active status, unless the issuing board establishes a lower fee.*

SEC. 3.

Section 1006.5 of the Business and Professions Code is amended to read:

1006.5.

Notwithstanding any other law, the amount of regulatory fees necessary to carry out the responsibilities required by the Chiropractic Initiative Act and this chapter are fixed in the following schedule:

- (a) Fee to apply for a license to practice chiropractic: three hundred seventy-one dollars (\$371).
- (b) Fee for initial license to practice chiropractic: one hundred eighty-six dollars (\$186).
- (c) Fee to renew an active ~~or inactive~~ license to practice chiropractic: three hundred thirteen dollars (\$313).
- (d) Fee to apply for approval as a continuing education provider: eighty-four dollars (\$84).

- (e) Biennial continuing education provider renewal fee: fifty-six dollars (\$56).
- (f) Fee to apply for approval of a continuing education course: fifty-six dollars (\$56) per course.
- (g) Fee to apply for a satellite office certificate: sixty-two dollars (\$62).
- (h) Fee to renew a satellite office certificate: thirty-one dollars (\$31).
- (i) Fee to apply for a license to practice chiropractic pursuant to Section 9 of the Chiropractic Initiative Act: three hundred seventy-one dollars (\$371).
- (j) Fee to apply for a certificate of registration of a chiropractic corporation: one hundred eighty-six dollars (\$186).
- (k) Fee to renew a certificate of registration of a chiropractic corporation: thirty-one dollars (\$31).
- (l) Fee to file a chiropractic corporation special report: thirty-one dollars (\$31).
- (m) Fee to apply for approval as a referral service: five hundred fifty-seven dollars (\$557).
- (n) Fee for an endorsed verification of licensure: one hundred twenty-four dollars (\$124).
- (o) Fee for replacement of a lost or destroyed license: fifty dollars (\$50).
- (p) Fee for replacement of a satellite office certificate: fifty dollars (\$50).
- (q) Fee for replacement of a certificate of registration of a chiropractic corporation: fifty dollars (\$50).
- (r) Fee to restore a forfeited or canceled license to practice chiropractic: double the annual renewal fee specified in subdivision (c).
- (s) Fee to apply for approval to serve as a preceptor: thirty-one dollars (\$31).
- (t) Fee to petition for reinstatement of a revoked license: three hundred seventy-one dollars (\$371).
- (u) Fee to petition for early termination of probation: three hundred seventy-one dollars (\$371).
- (v) Fee to petition for reduction of penalty: three hundred seventy-one dollars (\$371).

SEC. 4.

Section 2734 of the Business and Professions Code is amended to read:

2734.

Upon application in writing to the board and payment of ~~the biennial renewal fee,~~ *a renewal fee, in an amount determined by the board pursuant to Section 703,* a licensee may have ~~his~~ *their* license placed in an inactive status for an indefinite period of time. A licensee whose license is in an inactive status ~~may~~ *shall* not practice nursing. However,

~~such a~~ *the* licensee ~~does~~ *is* not ~~have~~ *required* to comply with the continuing education standards of Section 2811.5.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 14(b)(2)(J) – SB 1223 (Becker) Criminal procedure: mental health diversion

Background:

Existing law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment. Existing law conditions eligibility on, among other criteria, a court finding that the defendant suffers from a mental disorder, as specified, and that the defendant's mental disorder played a significant role in the commission of the charged offense. Existing law makes defendants ineligible for the diversion program for certain offenses, including murder, voluntary manslaughter, and rape.

This bill would change the eligibility criteria to include a diagnosis of a mental disorder instead of the court finding the defendant suffers from a mental disorder and would remove the requirement that the diagnosis be recent. The bill would define "qualified mental health expert" for these purposes. The bill would, for a defendant charged with a misdemeanor, limit the period of diversion to one year. The bill would also provide that a decision by a judge to deny diversion would not be binding on any other judge subsequently assigned to the case at a later stage. The bill would make other conforming changes.

Location: Senate Committee on Appropriations

Status: 4/5/2022 Set for hearing April 18.

Action Requested:

As the bill includes psychologists as qualified mental health experts, staff recommends the Board Watch SB 1223 (Becker).

Attachment A: SB 1223 (Becker) Bill Text

SECTION 1.

Section 1001.36 of the Penal Code is amended to read:

1001.36.

(a) On an accusatory pleading alleging the commission of a misdemeanor or felony offense, the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant pursuant to this section if the defendant meets all of the requirements specified in ~~paragraph (1) of subdivision (b).~~ *subdivisions (b), (c), and (d).*

(b) ~~(1)~~ Pretrial diversion ~~may be granted~~ pursuant to this section ~~if all~~ *shall be considered if both* of the following criteria are met:

~~(A)~~ *(1)* The ~~court is satisfied that the defendant suffers from~~ *defendant has been diagnosed with* a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to, bipolar disorder, schizophrenia, schizoaffective disorder, or post-traumatic stress disorder, but excluding antisocial personality disorder, borderline personality disorder, and pedophilia. Evidence of the defendant's mental disorder shall be provided by the defense and shall include a ~~recent~~ diagnosis by a qualified mental health expert. In opining that a defendant suffers from a qualifying disorder, the qualified mental health expert may rely on an examination of the defendant, the defendant's medical records, arrest reports, or any other relevant evidence.

~~(B)~~ *(2)* The court is satisfied that the defendant's mental disorder was a significant factor in the commission of the charged offense. ~~A court may conclude that a~~ *If the defendant has been diagnosed with a mental disorder, the court shall find that the* defendant's mental disorder was a significant factor in the commission of the ~~charged offense if, after reviewing~~ *offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the defendant's involvement in the alleged offense. A court may consider* any relevant and credible evidence, including, but not limited to, police reports, preliminary hearing transcripts, witness statements, statements by the defendant's mental health treatment provider, medical records, records or reports by qualified medical experts, or evidence that the defendant displayed symptoms consistent with the relevant mental disorder at or near the time of the ~~offense, the court concludes that the defendant's mental disorder substantially contributed to the defendant's involvement in the commission of the~~ offense.

(c) The court may grant pretrial diversion pursuant to this section if all of the following criteria are met:

~~(C)~~ *(1)* In the opinion of a qualified mental health expert, the defendant's symptoms of the mental disorder *causing, contributing to, or* motivating the criminal behavior would respond to mental health treatment.

~~(D)~~ *(2)* The defendant consents to diversion and waives the defendant's right to a speedy trial, unless a defendant has been found to be an appropriate candidate for diversion in lieu of commitment pursuant to clause (iv) of subparagraph (B) of paragraph

(1) of subdivision (a) of Section 1370 and, as a result of the defendant's mental incompetence, cannot consent to diversion or give a knowing and intelligent waiver of the defendant's right to a speedy trial.

~~(E)~~ (3) The defendant agrees to comply with treatment as a condition of diversion.

~~(F)~~ (4) The court is satisfied that the defendant will not pose an unreasonable risk of danger to public safety, as defined in Section 1170.18, if treated in the community. The court may consider the opinions of the district attorney, the defense, or a qualified mental health expert, and may consider the defendant's *treatment plan, the defendant's* violence and criminal history, the current charged offense, and any other factors that the court deems appropriate.

~~(2)~~ (d) A defendant may not be placed into a diversion program, pursuant to this section, for the following current charged offenses:

~~(A)~~ (1) Murder or voluntary manslaughter.

~~(B)~~ (2) An offense for which a person, if convicted, would be required to register pursuant to Section 290, except for a violation of Section 314.

~~(C)~~ (3) Rape.

~~(D)~~ (4) Lewd or lascivious act on a child under 14 years of age.

~~(E)~~ (5) Assault with intent to commit rape, sodomy, or oral copulation, in violation of Section 220.

~~(F)~~ (6) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1.

~~(G)~~ (7) Continuous sexual abuse of a child, in violation of Section 288.5.

~~(H)~~ (8) A violation of subdivision (b) or (c) of Section 11418.

~~(3)~~ (e) At any stage of the proceedings, the court may require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion. The hearing on the prima facie showing shall be informal and may proceed on offers of proof, reliable hearsay, and argument of counsel. If a prima facie showing is not made, the court may summarily deny the request for diversion or grant any other relief as may be deemed appropriate.

(f) As used in this chapter, the following terms have the following meanings:

~~(c)~~ (1) ~~As used in this chapter, "pretrial-~~ "Pretrial" diversion" means the postponement of prosecution, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication, to allow the defendant to undergo mental health treatment, subject to all of the following:

~~(4)~~ (A) ~~(A)~~ (i) The court is satisfied that the recommended inpatient or outpatient program of mental health treatment will meet the specialized mental health treatment needs of the defendant.

~~(B)~~ (ii) The defendant may be referred to a program of mental health treatment utilizing existing inpatient or outpatient mental health resources. Before approving a proposed treatment program, the court shall consider the request of the defense, the request of the prosecution, the needs of the defendant, and the interests of the community. The treatment may be procured using private or public funds, and a referral may be made to a county mental health agency, existing collaborative courts, or assisted outpatient treatment only if that entity has agreed to accept responsibility for the treatment of the defendant, and mental health services are provided only to the extent that resources are available and the defendant is eligible for those services.

~~(2)~~ (B) The provider of the mental health treatment program in which the defendant has been placed shall provide regular reports to the court, the defense, and the prosecutor on the defendant's progress in treatment.

~~(3)~~ (C) The period during which criminal proceedings against the defendant may be diverted ~~shall be no longer than two years.~~ *is limited as follows:*

(i) If the defendant is charged with a felony, the period shall be no longer than two years.

(ii) If the defendant is charged with a misdemeanor, the period shall be no longer than one year.

~~(4)~~ (D) Upon request, the court shall conduct a hearing to determine whether restitution, as defined in subdivision (f) of Section 1202.4, is owed to any victim as a result of the diverted offense and, if owed, order its payment during the period of diversion. However, a defendant's inability to pay restitution due to indigence or mental disorder shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

(2) "Qualified mental health expert" includes, but is not limited to, a psychiatrist, psychologist, a person described in Section 5751.2 of the Welfare and Institutions Code, or a person whose knowledge, skill, experience, training, or education qualifies them as an expert.

~~(d)~~ (g) If any of the following circumstances exists, the court shall, after notice to the defendant, defense counsel, and the prosecution, hold a hearing to determine whether the criminal proceedings should be reinstated, whether the treatment should be modified, or whether the defendant should be conserved and referred to the conservatorship investigator of the county of commitment to initiate conservatorship proceedings for the defendant pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code:

(1) The defendant is charged with an additional misdemeanor allegedly committed during the pretrial diversion and that reflects the defendant's propensity for violence.

(2) The defendant is charged with an additional felony allegedly committed during the pretrial diversion.

(3) The defendant is engaged in criminal conduct rendering the defendant unsuitable for diversion.

(4) Based on the opinion of a qualified mental health expert whom the court may deem appropriate, either of the following circumstances exists:

(A) The defendant is performing unsatisfactorily in the assigned program.

(B) The defendant is gravely disabled, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code. A defendant shall only be conserved and referred to the conservatorship investigator pursuant to this finding.

~~(e)~~ (h) If the defendant has performed satisfactorily in diversion, at the end of the period of diversion, the court shall dismiss the defendant's criminal charges that were the subject of the criminal proceedings at the time of the initial diversion. A court may conclude that the defendant has performed satisfactorily if the defendant has substantially complied with the requirements of diversion, has avoided significant new violations of law unrelated to the defendant's mental health condition, and has a plan in place for long-term mental health care. If the court dismisses the charges, the clerk of the court shall file a record with the Department of Justice indicating the disposition of the case diverted pursuant to this section. Upon successful completion of diversion, if the court dismisses the charges, the arrest upon which the diversion was based shall be deemed never to have occurred, and the court shall order access to the record of the arrest restricted in accordance with Section 1001.9, except as specified in subdivisions ~~(g)~~ (j) and ~~(h)~~ (k). The defendant who successfully completes diversion may indicate in response to any question concerning the defendant's prior criminal record that the defendant was not arrested or diverted for the offense, except as specified in subdivision ~~(g)~~ (j).

~~(f)~~ (i) A record pertaining to an arrest resulting in successful completion of diversion, or any record generated as a result of the defendant's application for or participation in diversion, shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

~~(g)~~ (j) The defendant shall be advised that, regardless of the defendant's completion of diversion, both of the following apply:

(1) The arrest upon which the diversion was based may be disclosed by the Department of Justice to any peace officer application request and that, notwithstanding subdivision ~~(f)~~ (i), this section does not relieve the defendant of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(2) An order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

~~(h)~~ (k) A finding that the defendant suffers from a mental disorder, any progress reports concerning the defendant's treatment, or any other records related to a mental disorder that were created as a result of participation in, or completion of, diversion pursuant to this section or for use at a hearing on the defendant's eligibility for diversion under this section may not be used in any other proceeding without the defendant's consent,

unless that information is relevant evidence that is admissible under the standards described in paragraph (2) of subdivision (f) of Section 28 of Article I of the California Constitution. However, when determining whether to exercise its discretion to grant diversion under this section, a court may consider previous records of participation in diversion under this section.

~~(f)~~ (l) The county agency administering the diversion, the defendant's mental health treatment providers, the public guardian or conservator, and the court shall, to the extent not prohibited by federal law, have access to the defendant's medical and psychological records, including progress reports, during the defendant's time in diversion, as needed, for the purpose of providing care and treatment and monitoring treatment for diversion or conservatorship.

(m) A decision by any judge to deny diversion pursuant to this section shall not be binding on any other judge subsequently assigned to the same case at a later stage.

SEC. 2.

Section 1370 of the Penal Code is amended to read:

1370.

(a) (1) (A) If the defendant is found mentally competent, the criminal process shall resume, the trial on the offense charged or hearing on the alleged violation shall proceed, and judgment may be pronounced.

(B) If the defendant is found mentally incompetent, the trial, the hearing on the alleged violation, or the judgment shall be suspended until the person becomes mentally competent.

(i) The court shall order that the mentally incompetent defendant be delivered by the sheriff to a State Department of State Hospitals facility, as defined in Section 4100 of the Welfare and Institutions Code, as directed by the State Department of State Hospitals, or to any other available public or private treatment facility, including a community-based residential treatment system established pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code if the facility has a secured perimeter or a locked and controlled treatment facility, approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status as specified in Section 1600.

(ii) However, if the action against the defendant who has been found mentally incompetent is on a complaint charging a felony offense specified in Section 290, the prosecutor shall determine whether the defendant previously has been found mentally incompetent to stand trial pursuant to this chapter on a charge of a Section 290 offense, or whether the defendant is currently the subject of a pending Section 1368 proceeding arising out of a charge of a Section 290 offense. If either determination is made, the prosecutor shall notify the court and defendant in writing. After this notification, and opportunity for hearing, the court shall order that the defendant be delivered by the sheriff to a State Department of State Hospitals facility, as directed by the State Department of State Hospitals, or other secure treatment facility for the care and

treatment of persons with a mental health disorder, unless the court makes specific findings on the record that an alternative placement would provide more appropriate treatment for the defendant and would not pose a danger to the health and safety of others.

(iii) If the action against the defendant who has been found mentally incompetent is on a complaint charging a felony offense specified in Section 290 and the defendant has been denied bail pursuant to subdivision (b) of Section 12 of Article I of the California Constitution because the court has found, based upon clear and convincing evidence, a substantial likelihood that the person's release would result in great bodily harm to others, the court shall order that the defendant be delivered by the sheriff to a State Department of State Hospitals facility, as directed by the State Department of State Hospitals, unless the court makes specific findings on the record that an alternative placement would provide more appropriate treatment for the defendant and would not pose a danger to the health and safety of others.

(iv) If, at any time after the court finds that the defendant is mentally incompetent and before the defendant is transported to a facility pursuant to this section, the court is provided with any information that the defendant may benefit from diversion pursuant to Chapter 2.8A (commencing with Section 1001.35) of Title 6, the court may make a finding that the defendant is an appropriate candidate for diversion.

(v) If a defendant is found by the court to be an appropriate candidate for diversion pursuant to clause (iv), the defendant's eligibility shall be determined pursuant to Section 1001.36. A defendant granted diversion may participate for the lesser of the period specified in paragraph (1) of subdivision (c) or ~~two years.~~ *the applicable period described in subparagraph (C) of paragraph (1) of subdivision (f) of Section 1001.36.* If, during that period, the court determines that criminal proceedings should be reinstated pursuant to subdivision ~~(d)~~ *(g)* of Section 1001.36, the court shall, pursuant to Section 1369, appoint a psychiatrist, licensed psychologist, or any other expert the court may deem appropriate, to determine the defendant's competence to stand trial.

(vi) Upon the dismissal of charges at the conclusion of the period of diversion, pursuant to subdivision ~~(e)~~ *(h)* of Section 1001.36, a defendant shall no longer be deemed incompetent to stand trial pursuant to this section.

(vii) The clerk of the court shall notify the Department of Justice, in writing, of a finding of mental incompetence with respect to a defendant who is subject to clause (ii) or (iii) for inclusion in the defendant's state summary criminal history information.

(C) Upon the filing of a certificate of restoration to competence, the court shall order that the defendant be returned to court in accordance with Section 1372. The court shall transmit a copy of its order to the community program director or a designee.

(D) A defendant charged with a violent felony may not be delivered to a State Department of State Hospitals facility or treatment facility pursuant to this subdivision unless the State Department of State Hospitals facility or treatment facility has a secured perimeter or a locked and controlled treatment facility, and the judge determines that the public safety will be protected.

(E) For purposes of this paragraph, “violent felony” means an offense specified in subdivision (c) of Section 667.5.

(F) A defendant charged with a violent felony may be placed on outpatient status, as specified in Section 1600, only if the court finds that the placement will not pose a danger to the health or safety of others. If the court places a defendant charged with a violent felony on outpatient status, as specified in Section 1600, the court shall serve copies of the placement order on defense counsel, the sheriff in the county where the defendant will be placed, and the district attorney for the county in which the violent felony charges are pending against the defendant.

(G) If, at any time after the court has declared a defendant incompetent to stand trial pursuant to this section, counsel for the defendant or a jail medical or mental health staff provider provides the court with substantial evidence that the defendant’s psychiatric symptoms have changed to such a degree as to create a doubt in the mind of the judge as to the defendant’s current mental incompetence, the court may appoint a psychiatrist or a licensed psychologist to opine as to whether the defendant has regained competence. If, in the opinion of that expert, the defendant has regained competence, the court shall proceed as if a certificate of restoration of competence has been returned pursuant to paragraph (1) of subdivision (a) of Section 1372, except that a presumption of competency shall not apply and a hearing shall be held to determine whether competency has been restored.

(H) (i) The State Department of State Hospitals may, pursuant to Section 4335.2 of the Welfare and Institutions Code, conduct an evaluation of the defendant in county custody to determine any of the following:

(I) The defendant has regained competence.

(II) There is no substantial likelihood that the defendant will regain competence in the foreseeable future.

(III) The defendant should be referred to the county for further evaluation for potential participation in a county diversion program, if one exists, or to another outpatient treatment program.

(ii) If, in the opinion of the department’s expert, the defendant has regained competence, the court shall proceed as if a certificate of restoration of competence has been returned pursuant to paragraph (1) of subdivision (a) of Section 1372, except that a presumption of competency shall not apply and a hearing shall be held to determine whether competency has been restored.

(iii) If, in the opinion of the department’s expert, there is no substantial likelihood that the defendant will regain mental competence in the foreseeable future, the committing court shall proceed pursuant to paragraph (2) of subdivision (c) no later than 10 days following receipt of the report.

(2) Prior to making the order directing that the defendant be committed to the State Department of State Hospitals or other treatment facility or placed on outpatient status, the court shall proceed as follows:

(A) The court shall order the community program director or a designee to evaluate the defendant and to submit to the court within 15 judicial days of the order a written recommendation as to whether the defendant should be required to undergo outpatient treatment, or be committed to the State Department of State Hospitals or to any other treatment facility. A person shall not be admitted to a State Department of State Hospitals facility or other treatment facility or placed on outpatient status under this section without having been evaluated by the community program director or a designee. The community program director or designee shall evaluate the appropriate placement for the defendant between a State Department of State Hospitals facility or the community-based residential treatment system based upon guidelines provided by the State Department of State Hospitals.

(B) The court shall hear and determine whether the defendant lacks capacity to make decisions regarding the administration of antipsychotic medication. The court shall consider opinions in the reports prepared pursuant to subdivision (a) of Section 1369, as applicable to the issue of whether the defendant lacks capacity to make decisions regarding the administration of antipsychotic medication, and shall proceed as follows:

(i) The court shall hear and determine whether any of the following is true:

(I) The defendant lacks capacity to make decisions regarding antipsychotic medication, the defendant's mental disorder requires medical treatment with antipsychotic medication, and, if the defendant's mental disorder is not treated with antipsychotic medication, it is probable that serious harm to the physical or mental health of the defendant will result. Probability of serious harm to the physical or mental health of the defendant requires evidence that the defendant is presently suffering adverse effects to their physical or mental health, or the defendant has previously suffered these effects as a result of a mental disorder and their condition is substantially deteriorating. The fact that a defendant has a diagnosis of a mental disorder does not alone establish probability of serious harm to the physical or mental health of the defendant.

(II) The defendant is a danger to others, in that the defendant has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another while in custody, or the defendant had inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another that resulted in the defendant being taken into custody, and the defendant presents, as a result of mental disorder or mental defect, a demonstrated danger of inflicting substantial physical harm on others. Demonstrated danger may be based on an assessment of the defendant's present mental condition, including a consideration of past behavior of the defendant within six years prior to the time the defendant last attempted to inflict, inflicted, or threatened to inflict substantial physical harm on another, and other relevant evidence.

(III) The people have charged the defendant with a serious crime against the person or property, involuntary administration of antipsychotic medication is substantially likely to render the defendant competent to stand trial, the medication is unlikely to have side effects that interfere with the defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner, less intrusive treatments are unlikely to have substantially the same results, and

antipsychotic medication is in the defendant's best medical interest in light of their medical condition.

(ii) If the court finds any of the conditions described in clause (i) to be true, the court shall issue an order authorizing involuntary administration of antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist at any facility housing the defendant for purposes of this chapter. The order shall be valid for no more than one year, pursuant to subparagraph (A) of paragraph (7). The court shall not order involuntary administration of psychotropic medication under subclause (III) of clause (i) unless the court has first found that the defendant does not meet the criteria for involuntary administration of psychotropic medication under subclause (I) of clause (i) and does not meet the criteria under subclause (II) of clause (i).

(iii) In all cases, the treating hospital, facility, or program may administer medically appropriate antipsychotic medication prescribed by a psychiatrist in an emergency as described in subdivision (m) of Section 5008 of the Welfare and Institutions Code.

(iv) If the court has determined that the defendant has the capacity to make decisions regarding antipsychotic medication, and if the defendant, with advice of their counsel, consents, the court order of commitment shall include confirmation that antipsychotic medication may be given to the defendant as prescribed by a treating psychiatrist pursuant to the defendant's consent. The commitment order shall also indicate that, if the defendant withdraws consent for antipsychotic medication, after the treating psychiatrist complies with the provisions of subparagraph (C), the defendant shall be returned to court for a hearing in accordance with subparagraphs (C) and (D) regarding whether antipsychotic medication shall be administered involuntarily.

(v) If the court has determined that the defendant has the capacity to make decisions regarding antipsychotic medication and if the defendant, with advice from their counsel, does not consent, the court order for commitment shall indicate that, after the treating psychiatrist complies with the provisions of subparagraph (C), the defendant shall be returned to court for a hearing in accordance with subparagraphs (C) and (D) regarding whether antipsychotic medication shall be administered involuntarily.

(vi) A report made pursuant to paragraph (1) of subdivision (b) shall include a description of antipsychotic medication administered to the defendant and its effects and side effects, including effects on the defendant's appearance or behavior that would affect the defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner. During the time the defendant is confined in a State Department of State Hospitals facility or other treatment facility or placed on outpatient status, either the defendant or the people may request that the court review any order made pursuant to this subdivision. The defendant, to the same extent enjoyed by other patients in the State Department of State Hospitals facility or other treatment facility, shall have the right to contact the patients' rights advocate regarding the defendant's rights under this section.

(C) If the defendant consented to antipsychotic medication as described in clause (iv) of subparagraph (B), but subsequently withdraws their consent, or, if involuntary antipsychotic medication was not ordered pursuant to clause (v) of subparagraph (B),

and the treating psychiatrist determines that antipsychotic medication has become medically necessary and appropriate, the treating psychiatrist shall make efforts to obtain informed consent from the defendant for antipsychotic medication. If informed consent is not obtained from the defendant, and the treating psychiatrist is of the opinion that the defendant lacks capacity to make decisions regarding antipsychotic medication based on the conditions described in subclause (I) or (II) of clause (i) of subparagraph (B), the treating psychiatrist shall certify whether the lack of capacity and any applicable conditions described above exist. That certification shall contain an assessment of the current mental status of the defendant and the opinion of the treating psychiatrist that involuntary antipsychotic medication has become medically necessary and appropriate.

(D) (i) If the treating psychiatrist certifies that antipsychotic medication has become medically necessary and appropriate pursuant to subparagraph (C), antipsychotic medication may be administered to the defendant for not more than 21 days, provided, however, that, within 72 hours of the certification, the defendant is provided a medication review hearing before an administrative law judge to be conducted at the facility where the defendant is receiving treatment. The treating psychiatrist shall present the case for the certification for involuntary treatment and the defendant shall be represented by an attorney or a patients' rights advocate. The attorney or patients' rights advocate shall be appointed to meet with the defendant no later than one day prior to the medication review hearing to review the defendant's rights at the medication review hearing, discuss the process, answer questions or concerns regarding involuntary medication or the hearing, assist the defendant in preparing for the hearing and advocating for the defendant's interests at the hearing, review the panel's final determination following the hearing, advise the defendant of their right to judicial review of the panel's decision, and provide the defendant with referral information for legal advice on the subject. The defendant shall also have the following rights with respect to the medication review hearing:

- (I) To be given timely access to the defendant's records.
- (II) To be present at the hearing, unless the defendant waives that right.
- (III) To present evidence at the hearing.
- (IV) To question persons presenting evidence supporting involuntary medication.
- (V) To make reasonable requests for attendance of witnesses on the defendant's behalf.
- (VI) To a hearing conducted in an impartial and informal manner.

(ii) If the administrative law judge determines that the defendant either meets the criteria specified in subclause (I) of clause (i) of subparagraph (B), or meets the criteria specified in subclause (II) of clause (i) of subparagraph (B), antipsychotic medication may continue to be administered to the defendant for the 21-day certification period. Concurrently with the treating psychiatrist's certification, the treating psychiatrist shall file a copy of the certification and a petition with the court for issuance of an order to administer antipsychotic medication beyond the 21-day certification period. For

purposes of this subparagraph, the treating psychiatrist shall not be required to pay or deposit any fee for the filing of the petition or other document or paper related to the petition.

(iii) If the administrative law judge disagrees with the certification, medication may not be administered involuntarily until the court determines that antipsychotic medication should be administered pursuant to this section.

(iv) The court shall provide notice to the prosecuting attorney and to the attorney representing the defendant, and shall hold a hearing, no later than 18 days from the date of the certification, to determine whether antipsychotic medication should be ordered beyond the certification period.

(v) If, as a result of the hearing, the court determines that antipsychotic medication should be administered beyond the certification period, the court shall issue an order authorizing the administration of that medication.

(vi) The court shall render its decision on the petition and issue its order no later than three calendar days after the hearing and, in any event, no later than the expiration of the 21-day certification period.

(vii) If the administrative law judge upholds the certification pursuant to clause (ii), the court may, for a period not to exceed 14 days, extend the certification and continue the hearing pursuant to stipulation between the parties or upon a finding of good cause. In determining good cause, the court may review the petition filed with the court, the administrative law judge's order, and any additional testimony needed by the court to determine if it is appropriate to continue medication beyond the 21-day certification and for a period of up to 14 days.

(viii) The district attorney, county counsel, or representative of a facility where a defendant found incompetent to stand trial is committed may petition the court for an order to administer involuntary medication pursuant to the criteria set forth in subclauses (II) and (III) of clause (i) of subparagraph (B). The order is reviewable as provided in paragraph (7).

(3) When the court orders that the defendant be committed to a State Department of State Hospitals facility or other public or private treatment facility, the court shall provide copies of the following documents prior to the admission of the defendant to the State Department of State Hospitals or other treatment facility where the defendant is to be committed:

(A) The commitment order, including a specification of the charges.

(B) A computation or statement setting forth the maximum term of commitment in accordance with subdivision (c).

(C) A computation or statement setting forth the amount of credit for time served, if any, to be deducted from the maximum term of commitment.

(D) State summary criminal history information.

(E) Arrest reports prepared by the police department or other law enforcement agency.

(F) Court-ordered psychiatric examination or evaluation reports.

(G) The community program director's placement recommendation report.

(H) Records of a finding of mental incompetence pursuant to this chapter arising out of a complaint charging a felony offense specified in Section 290 or a pending Section 1368 proceeding arising out of a charge of a Section 290 offense.

(I) Medical records.

(4) When the defendant is committed to a treatment facility pursuant to clause (i) of subparagraph (B) of paragraph (1) or the court makes the findings specified in clause (ii) or (iii) of subparagraph (B) of paragraph (1) to assign the defendant to a treatment facility other than a State Department of State Hospitals facility or other secure treatment facility, the court shall order that notice be given to the appropriate law enforcement agency or agencies having local jurisdiction at the placement facility of a finding of mental incompetence pursuant to this chapter arising out of a charge of a Section 290 offense.

(5) When directing that the defendant be confined in a State Department of State Hospitals facility pursuant to this subdivision, the court shall commit the defendant to the State Department of State Hospitals.

(6) (A) If the defendant is committed or transferred to the State Department of State Hospitals pursuant to this section, the court may, upon receiving the written recommendation of the medical director of the State Department of State Hospitals facility and the community program director that the defendant be transferred to a public or private treatment facility approved by the community program director, order the defendant transferred to that facility. If the defendant is committed or transferred to a public or private treatment facility approved by the community program director, the court may, upon receiving the written recommendation of the community program director, transfer the defendant to the State Department of State Hospitals or to another public or private treatment facility approved by the community program director. In the event of dismissal of the criminal charges before the defendant recovers competence, the person shall be subject to the applicable provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code). If either the defendant or the prosecutor chooses to contest either kind of order of transfer, a petition may be filed in the court for a hearing, which shall be held if the court determines that sufficient grounds exist. At the hearing, the prosecuting attorney or the defendant may present evidence bearing on the order of transfer. The court shall use the same standards as are used in conducting probation revocation hearings pursuant to Section 1203.2.

Prior to making an order for transfer under this section, the court shall notify the defendant, the attorney of record for the defendant, the prosecuting attorney, and the community program director or a designee.

(B) If the defendant is initially committed to a State Department of State Hospitals facility or secure treatment facility pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (1) and is subsequently transferred to any other facility, copies of the

documents specified in paragraph (3) shall be electronically transferred or taken with the defendant to each subsequent facility to which the defendant is transferred. The transferring facility shall also notify the appropriate law enforcement agency or agencies having local jurisdiction at the site of the new facility that the defendant is a person subject to clause (ii) or (iii) of subparagraph (B) of paragraph (1).

(7) (A) An order by the court authorizing involuntary medication of the defendant shall be valid for no more than one year. The court shall review the order at the time of the review of the initial report and the six-month progress reports pursuant to paragraph (1) of subdivision (b) to determine if the grounds for the authorization remain. In the review, the court shall consider the reports of the treating psychiatrist or psychiatrists and the defendant's patients' rights advocate or attorney. The court may require testimony from the treating psychiatrist and the patients' rights advocate or attorney, if necessary. The court may continue the order authorizing involuntary medication for up to another six months, or vacate the order, or make any other appropriate order.

(B) Within 60 days before the expiration of the one-year involuntary medication order, the district attorney, county counsel, or representative of any facility where a defendant found incompetent to stand trial is committed may petition the committing court for a renewal, subject to the same conditions and requirements as in subparagraph (A). The petition shall include the basis for involuntary medication set forth in clause (i) of subparagraph (B) of paragraph (2). Notice of the petition shall be provided to the defendant, the defendant's attorney, and the district attorney. The court shall hear and determine whether the defendant continues to meet the criteria set forth in clause (i) of subparagraph (B) of paragraph (2). The hearing on a petition to renew an order for involuntary medication shall be conducted prior to the expiration of the current order.

(8) For purposes of subparagraph (D) of paragraph (2) and paragraph (7), if the treating psychiatrist determines that there is a need, based on preserving their rapport with the defendant or preventing harm, the treating psychiatrist may request that the facility medical director designate another psychiatrist to act in the place of the treating psychiatrist. If the medical director of the facility designates another psychiatrist to act pursuant to this paragraph, the treating psychiatrist shall brief the acting psychiatrist of the relevant facts of the case and the acting psychiatrist shall examine the defendant prior to the hearing.

(b) (1) Within 90 days after a commitment made pursuant to subdivision (a), the medical director of the State Department of State Hospitals facility or other treatment facility to which the defendant is confined shall make a written report to the court and the community program director for the county or region of commitment, or a designee, concerning the defendant's progress toward recovery of mental competence and whether the administration of antipsychotic medication remains necessary.

If the defendant is in county custody, the county jail shall provide access to the defendant for purposes of the State Department of State Hospitals conducting an evaluation of the defendant pursuant to Section 4335.2 of the Welfare and Institutions Code. Based upon this evaluation, the State Department of State Hospitals may make a written report to the court within 90 days of a commitment made pursuant to subdivision (a) concerning the defendant's progress toward recovery of mental incompetence and

whether the administration of antipsychotic medication is necessary. If the defendant remains in county custody after the initial 90-day report, the State Department of State Hospitals may conduct an evaluation of the defendant pursuant to Section 4335.2 of the Welfare and Institutions Code and make a written report to the court concerning the defendant's progress toward recovery of mental incompetence and whether the administration of antipsychotic medication is necessary.

If the defendant is on outpatient status, the outpatient treatment staff shall make a written report to the community program director concerning the defendant's progress toward recovery of mental competence. Within 90 days of placement on outpatient status, the community program director shall report to the court on this matter. If the defendant has not recovered mental competence, but the report discloses a substantial likelihood that the defendant will regain mental competence in the foreseeable future, the defendant shall remain in the State Department of State Hospitals facility or other treatment facility or on outpatient status. Thereafter, at six-month intervals or until the defendant becomes mentally competent, if the defendant is confined in a treatment facility, the medical director of the State Department of State Hospitals facility or person in charge of the facility shall report, in writing, to the court and the community program director or a designee regarding the defendant's progress toward recovery of mental competence and whether the administration of antipsychotic medication remains necessary. If the defendant is on outpatient status, after the initial 90-day report, the outpatient treatment staff shall report to the community program director on the defendant's progress toward recovery, and the community program director shall report to the court on this matter at six-month intervals. A copy of these reports shall be provided to the prosecutor and defense counsel by the court.

(A) If the report indicates that there is no substantial likelihood that the defendant will regain mental competence in the foreseeable future, custody of the defendant shall be transferred without delay to the committing county and shall remain with the county until further order of the court. The defendant shall be returned to the court for proceedings pursuant to paragraph (2) of subdivision (c) no later than 10 days following receipt of the report. The court shall not order the defendant returned to the custody of the State Department of State Hospitals under the same commitment. The court shall transmit a copy of its order to the community program director or a designee.

(B) If the report indicates that there is no substantial likelihood that the defendant will regain mental competence in the foreseeable future, the medical director of the State Department of State Hospitals facility or other treatment facility to which the defendant is confined shall do both of the following:

(i) Promptly notify and provide a copy of the report to the defense counsel and the district attorney.

(ii) Provide a separate notification, in compliance with applicable privacy laws, to the committing county's sheriff that immediate transportation will be needed for the defendant pursuant to subparagraph (A).

(C) If a county does not take custody of a defendant committed to the State Department of State Hospitals within 10 calendar days following notification made pursuant to

clause (ii) of subparagraph (B), the county shall be charged the daily rate for a state hospital bed, as established by the State Department of State Hospitals.

(2) If the court has issued an order authorizing the treating facility to involuntarily administer antipsychotic medication to the defendant, the reports made pursuant to paragraph (1) concerning the defendant's progress toward regaining competency shall also consider the issue of involuntary medication. Each report shall include, but not be limited to, all of the following:

(A) Whether or not the defendant has the capacity to make decisions concerning antipsychotic medication.

(B) If the defendant lacks capacity to make decisions concerning antipsychotic medication, whether the defendant risks serious harm to their physical or mental health if not treated with antipsychotic medication.

(C) Whether or not the defendant presents a danger to others if the defendant is not treated with antipsychotic medication.

(D) Whether the defendant has a mental disorder for which medications are the only effective treatment.

(E) Whether there are any side effects from the medication currently being experienced by the defendant that would interfere with the defendant's ability to collaborate with counsel.

(F) Whether there are any effective alternatives to medication.

(G) How quickly the medication is likely to bring the defendant to competency.

(H) Whether the treatment plan includes methods other than medication to restore the defendant to competency.

(I) A statement, if applicable, that no medication is likely to restore the defendant to competency.

(3) After reviewing the reports, the court shall determine whether or not grounds for the order authorizing involuntary administration of antipsychotic medication still exist and shall do one of the following:

(A) If the original grounds for involuntary medication still exist, the order authorizing the treating facility to involuntarily administer antipsychotic medication to the defendant shall remain in effect.

(B) If the original grounds for involuntary medication no longer exist, and there is no other basis for involuntary administration of antipsychotic medication, the order for the involuntary administration of antipsychotic medication shall be vacated.

(C) If the original grounds for involuntary medication no longer exist, and the report states that there is another basis for involuntary administration of antipsychotic medication, the court shall set a hearing within 21 days to determine whether the order for the involuntary administration of antipsychotic medication shall be vacated or

whether a new order for the involuntary administration of antipsychotic medication shall be issued. The hearing shall proceed as set forth in subparagraph (B) of paragraph (2) of subdivision (a).

(4) If it is determined by the court that treatment for the defendant's mental impairment is not being conducted, the defendant shall be returned to the committing court, and, if the defendant is not in county custody, returned to the custody of the county. The court shall transmit a copy of its order to the community program director or a designee.

(5) At each review by the court specified in this subdivision, the court shall determine if the security level of housing and treatment is appropriate and may make an order in accordance with its determination. If the court determines that the defendant shall continue to be treated in the State Department of State Hospitals facility or on an outpatient basis, the court shall determine issues concerning administration of antipsychotic medication, as set forth in subparagraph (B) of paragraph (2) of subdivision (a).

(c) (1) At the end of two years from the date of commitment or a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged in the information, indictment, or misdemeanor complaint, or the maximum term of imprisonment provided by law for a violation of probation or mandatory supervision, whichever is shorter, but no later than 90 days prior to the expiration of the defendant's term of commitment, a defendant who has not recovered mental competence shall be returned to the committing court, and custody of the defendant shall be transferred without delay to the committing county and shall remain with the county until further order of the court. The court shall not order the defendant returned to the custody of the State Department of State Hospitals under the same commitment. The court shall notify the community program director or a designee of the return and of any resulting court orders.

(2) (A) The medical director of the State Department of State Hospitals facility or other treatment facility to which the defendant is confined shall provide notification, in compliance with applicable privacy laws, to the committing county's sheriff that immediate transportation will be needed for the defendant pursuant to paragraph (1).

(B) If a county does not take custody of a defendant committed to the State Department of State Hospitals within 10 calendar days following notification pursuant to subparagraph (A), the county shall be charged the daily rate for a state hospital bed, as established by the State Department of State Hospitals.

(3) Whenever a defendant is returned to the court pursuant to paragraph (1) or (4) of subdivision (b) or paragraph (1) of this subdivision and it appears to the court that the defendant is gravely disabled, as defined in subparagraph (A) or (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code, the court shall order the conservatorship investigator of the county of commitment of the defendant to initiate conservatorship proceedings for the defendant pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code. Hearings required in the conservatorship proceedings shall be held in the superior court in the county that ordered the commitment. The court shall transmit a

copy of the order directing initiation of conservatorship proceedings to the community program director or a designee, the sheriff and the district attorney of the county in which criminal charges are pending, and the defendant's counsel of record. The court shall notify the community program director or a designee, the sheriff and district attorney of the county in which criminal charges are pending, and the defendant's counsel of record of the outcome of the conservatorship proceedings.

(4) If a change in placement is proposed for a defendant who is committed pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code, the court shall provide notice and an opportunity to be heard with respect to the proposed placement of the defendant to the sheriff and the district attorney of the county in which the criminal charges or revocation proceedings are pending.

(5) If the defendant is confined in a treatment facility, a copy of any report to the committing court regarding the defendant's progress toward recovery of mental competence shall be provided by the committing court to the prosecutor and to the defense counsel.

(d) With the exception of proceedings alleging a violation of mandatory supervision, the criminal action remains subject to dismissal pursuant to Section 1385. If the criminal action is dismissed, the court shall transmit a copy of the order of dismissal to the community program director or a designee. In a proceeding alleging a violation of mandatory supervision, if the person is not placed under a conservatorship as described in paragraph (3) of subdivision (c), or if a conservatorship is terminated, the court shall reinstate mandatory supervision and may modify the terms and conditions of supervision to include appropriate mental health treatment or refer the matter to a local mental health court, reentry court, or other collaborative justice court available for improving the mental health of the defendant.

(e) If the criminal action against the defendant is dismissed, the defendant shall be released from commitment ordered under this section, but without prejudice to the initiation of proceedings that may be appropriate under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).

(f) As used in this chapter, "community program director" means the person, agency, or entity designated by the State Department of State Hospitals pursuant to Section 1605 of this code and Section 4360 of the Welfare and Institutions Code.

(g) For the purpose of this section, "secure treatment facility" does not include, except for State Department of State Hospitals facilities, state developmental centers, and correctional treatment facilities, any facility licensed pursuant to Chapter 2 (commencing with Section 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter 3.2 (commencing with Section 1569) of, Division 2 of the Health and Safety Code, or any community board and care facility.

(h) This section does not preclude a defendant from filing a petition for habeas corpus to challenge the continuing validity of an order authorizing a treatment facility or outpatient

program to involuntarily administer antipsychotic medication to a person being treated as incompetent to stand trial.

SEC. 3.

Section 1370.01 of the Penal Code is amended to read:

1370.01.

(a) If the defendant is found mentally competent, the criminal process shall resume, and the trial on the offense charged or hearing on the alleged violation shall proceed.

(b) If the defendant is found mentally incompetent, the trial, judgment, or hearing on the alleged violation shall be suspended and the court may do either of the following:

(1) (A) Conduct a hearing, pursuant to Chapter 2.8A (commencing with Section 1001.35) of Title 6, and, if the court deems the defendant eligible, grant diversion pursuant to Section 1001.36 for a period not to exceed one year from the date the individual is accepted into diversion or the maximum term of imprisonment provided by law for the most serious offense charged in the misdemeanor complaint, whichever is shorter.

(B) If the court opts to conduct a hearing pursuant to this paragraph, the hearing shall be held no later than 30 days after the finding of incompetence. If the hearing is delayed beyond 30 days, the court shall order the defendant to be released on their own recognizance pending the hearing.

(C) If the defendant performs satisfactorily on diversion pursuant to this section, at the end of the period of diversion, the court shall dismiss the criminal charges that were the subject of the criminal proceedings at the time of the initial diversion.

(D) If the court finds the defendant ineligible for diversion based on the circumstances set forth in subdivision ~~(b) or (d)~~ (b), (c), (d), or (g) of Section 1001.36, the court may, after notice to the defendant, defense counsel, and the prosecution, hold a hearing to determine whether to do any of the following:

(i) Order modification of the treatment plan in accordance with a recommendation from the treatment provider.

(ii) Refer the defendant to assisted outpatient treatment pursuant to Section 5346 of the Welfare and Institutions Code. A referral to assisted outpatient treatment may only occur in a county where services are available pursuant to Section 5348 of the Welfare and Institutions Code, and the agency agrees to accept responsibility for treatment of the defendant. A hearing to determine eligibility for assisted outpatient treatment shall be held within 45 days after the date of the referral. If the hearing is delayed beyond 45 days, the court shall order the defendant, if confined in county jail, to be released on their own recognizance pending that hearing. If the defendant is accepted into assisted outpatient treatment, the charges shall be dismissed pursuant to Section 1385.

(iii) Refer the defendant to the county conservatorship investigator in the county of commitment for possible conservatorship proceedings for the defendant pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and

Institutions Code. A defendant shall only be referred to the conservatorship investigator if, based on the opinion of a qualified mental health expert, the defendant appears to be gravely disabled, as defined in subparagraph (A) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institution Code. Any hearings required in the conservatorship proceedings shall be held in the superior court in the county of commitment. The court shall transmit a copy of the order directing initiation of conservatorship proceedings to the county mental health director or the director's designee and shall notify the county mental health director or their designee of the outcome of the proceedings. Before establishing a conservatorship, the public guardian shall investigate all available alternatives to conservatorship pursuant to Section 5354 of the Welfare and Institutions Code. If a petition is not filed within 60 days of the referral, the court shall order the defendant, if confined in county jail, to be released on their own recognizance pending conservatorship proceedings. If the outcome of the conservatorship proceedings results in the establishment of conservatorship, the charges shall be dismissed pursuant to Section 1385.

(2) Dismiss the charges pursuant to Section 1385. If the criminal action is dismissed, the court shall transmit a copy of the order of dismissal to the county mental health director or the director's designee.

(c) If the defendant is found mentally incompetent and is on a grant of probation for a misdemeanor offense, the court shall dismiss the pending revocation matter and may return the defendant to supervision. If the revocation matter is dismissed pursuant to this subdivision, the court may modify the terms and conditions of supervision to include appropriate mental health treatment.

(d) It is the intent of the Legislature that a defendant subject to the terms of this section receive mental health treatment in a treatment facility and not a jail. A term of four days will be deemed to have been served for every two days spent in actual custody against the maximum term of diversion. A defendant not in actual custody shall otherwise receive day for day credit against the term of diversion from the date the defendant is accepted into diversion. "Actual custody" has the same meaning as in Section 4019.

(e) This section shall apply only as provided in subdivision (b) of Section 1367.

MEMORANDUM

DATE	April 8, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #16 – Regulatory Update

The following is a list of the Board's remaining regulatory packages, and their status in the regulatory process:

- a) **Update on Title 16, California Code of Regulations (CCR) sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Associates**

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package was provided to the Department of Consumer Affairs (DCA) on November 12, 2019 and is now in the Initial Departmental Review Stage. This stage involves a review by DCA's legal, budget, and executive offices, and the State's Business Consumer Services and Housing Agency (Agency). Upon approval by DCA and Agency, staff will notice this package for a 45-day comment period.

- b) **Update on 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Retired License Fees**

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package received final approval from Agency on April 6, 2022. Due to the need for conforming language changes between this and the Board's fee package, staff will be submitting this package to OAL once the fee package is approved.

- c) **Update on 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Associate Registration and Reactivating a Psychological Associate Registration**

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package is in the Initial Review Stage. Staff received feedback from Legal Counsel on September 17, 2019 and have incorporated the recommended changes. Staff is waiting to submit the package back to Board Counsel until the Sunset Psychological Associate regulatory package is farther through the regulatory process. Upon approval by Board Legal Counsel, the package will be submitted for the Initial Departmental Review which involves reviews by DCA Legal Affairs Division, DCA Budget Office, DCA's Division of Legislative Affairs, DCA Chief Counsel, DCA Director, and the Business Consumer Services and Housing Agency.

d) Addition to 16 CCR section 1392 – Psychologist Fees – California Psychology Law and Ethics Exam (CPLEE) and Initial License and Biennial Renewal Fee for Psychologist

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package was submitted to the Office of Administrative Law (OAL) for their final review on March 28, 2022. OAL has until May 10, 2022 to review this package.

e) Addition to 16 CCR section 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

f) Update 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

g) Update 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

Action Requested:

No action required at this time. This is for informational purposes only.