



Legislation and Regulation Committee Chair Report

Greg Lippe, Public Member, Chair
Maria Serpa, Licensee Member, Vice Chair
Ryan Brooks, Public Member
Cheryl Butler, Licensee Member
Shirley Kim, Public Member
Seung Oh, Licensee Member

I. Call to Order, Establishment of Quorum, and General Announcements

II. Public Comment for Items Not on the Agenda, Matters for Future Meetings

Note: The committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a)]

III. Discussion and Consideration of Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction, or Board Operations

Attachment 1

Provided below is a brief summary of measures previously considered by the Board. Implementation of Chaptered legislation will be discussed as part of the Enforcement and Compounding Committee and will be reported to the full Board. Further, the new laws will be covered in the next issue of *The Script* and included in the Pharmacy Law 2021 Webinar.

- a. Assembly Bill 1710 (Wood, Chapter 123, Statutes of 2020) Pharmacy Practice: Vaccines
Status: Chaptered
Summary: Provides pharmacists with the authority to independently order and administered an FDA authorized or approved COVID-19 vaccine.
Comments: The Board had a Support position on this measure.
- b. Assembly Bill 2028 (Aguiar-Curry) State Agencies: Meetings
Status: Failed passage.
Summary: This measure would have amended provisions of the Open Meetings Act.
Comments: During the July Meeting, members established an Oppose Unless Amended Position. Subsequent to the July meeting, staff offered amendments to the author's office to address the Board's concerns. The measure was amended and remedied the Board's concerns.
- c. Assembly Bill 2077 (Ting) Hypodermic Needles and Syringes

Status: Chaptered

Summary: Extends provisions of existing law that authorize a physician or pharmacist to furnish hypodermic needles and syringes for human use to a person eighteen years or older, without a prescription.

Comments: The Board had a Support position on this measure.

d. Assembly Bill 2113 (Low) Refugees, Asylees, and Immigrants: Licensing

Status: Chaptered

Summary: Requires Boards within the DCA to expedite the initial licensure process for an applicant who supplies satisfactory evidence to the Board that the applicant is a refugee, been granted political asylum, or possesses a special immigrant visa.

Comments: The Board did not establish a position on this measure.

e. Assembly Bill 2549 (Salas) Department of Consumer Affairs: Temporary Licenses

Status: Failed passage

Summary: Would require the Board to issue temporary licenses to military spouse and requires the Board to promulgate regulations

Comments: The Board had established an Oppose Unless Amended position as the measure would have waived the examination requirement for purposes of issuing the temporary license.

f. Assembly Bill 2983 (Holden) Pharmacies: Automatic Refills

Status: Failed passage

Summary: Would prohibit a pharmacy from automatically contacting a prescriber to request refill authorization unless the prescriber or patient has expressly authorized such contact.

Comments: The Board did not establish a position on this measure.

g. Assembly Bill 3045 (Gray) Department of Consumer Affairs: Boards: Veterans

Status: Failed passage

Summary: Would require Boards within the DCA to issue a license to an applicant if the applicant meets specified requirements, including that the applicant was honorably discharged from the armed forces, or is married or in a domestic partnership or other legal union with an active duty member.

Comments: The Board established an Oppose Unless Amended position on this measure as the Board would lose its ability to assess for minimum competency.

h. Assembly Bill 3342 (Bauer-Kahan) Child Day Care Facilities: Epinephrine Auto Injectors

Status: Chaptered

Summary: As related to the Board would authorize a pharmacy to furnish epinephrine auto-injectors to the State Department of Health Care Services under the program created pursuant to this bill, subject to similar requirements.

Comments: The Board established a Support position on this measure.

i. Senate Bill 878 (Jones) Department of Consumer Affairs Licensing: Applications

Status: Chaptered

Summary: Requires Boards within the DCA to prominently display the current timeframe for processing initial and renewal license applications on its internet website.

Comments: The Board did not establish a position on this measure.

j. Senate Bill 1474 (Committee on Business, Professions and Economic Development

Status: Chaptered

Summary: Extends the operations of several Boards for one year.

Comments: The Board established a Support position on the measure.

Attachment 1 includes a copy of each measure.

IV. Board Adopted Regulations Approved by the Office of Administrative Law

Attachment 2

a. Proposed Regulation to Add Title 16, Section 1714.3, Community Pharmacy Staffing

Summary of Regulation: This proposal established the criteria a pharmacy must meet to identify and ensure a person is assigned to assist the pharmacist, as needed when the pharmacist is otherwise working as alone, in compliance with B&P section 4113.5.

Status: Approved by OAL on September 15, 2020 with an immediate effective date.

V. Discussion and Consideration of Board Adopted Regulations Undergoing Final Review by the Office of Administrative Law

Attachment 3

a. Proposed Regulation to Amend Title 16, Sections 1769 and 1770, Substantial Relationship and Rehabilitation Criteria

Summary of Regulation: This proposal will increase transparency and clarity to license applicants with respect to rehabilitation criteria the board considers when evaluating an applicant's eligibility for licensure.

Status: OAL decision due by August 28, 2020 (Extended to October 27, 2020) (Pursuant to Governor Newsom's executive order, OAL's review may be extended in 60-day increments; however, only two 60-day extensions are permitted).

b. Proposed Regulation to Amend Title 16, Sections 1702, 1702.1, 1702.2, 1702.5, Renewal Requirements

Summary of Regulation: This proposal updates the renewal requirement language to include all licensing programs and reduce the administrative workload associated that would otherwise be required when new licensing programs are established.

Status: OAL decision due by November 2, 2020 (Pursuant to Governor Newsom's executive order, OAL's review may be extended in 60-day increments; however, only two 60-day extensions are permitted)

VI. **Discussion and Consideration of Board Adopted Regulations Undergoing Formal Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency**

Attachment 4

a. **Proposed Regulation to Amend Title 16, Section 1707, Off-Site Storage**

Summary of Regulation: This proposal amends the board's regulations regarding the waiver requirements for off-site storage of records to allow those entities previously cited for a records violation to be eligible for a waiver to store records off-site.

Status: Submitted to DCA for Formal Review: June 15, 2020

VII. **Discussion and Consideration of Board Adopted Regulations – Staff Drafting Final Rulemaking Documents for Final Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency**

Attachment 5

a. **Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 et seq., Related to Dangerous Drug Distributors and Third-Party Logistics Providers**

Summary of Regulation: This proposal establishes the regulatory framework for third-party logistics providers.

Status: Adopted by Board: July 27, 2020

VIII. **Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or Business, Consumer Services and Housing Agency**

Attachment 6

Provided below is a summary of each of the regulations currently undergoing pre-notice review. As there are many steps included in the pre-review process, the status is detailed below. Members have previously requested that regulations without action for over 30 days be highlighted. As such, regulations with inactivity for over 30 days are indicated below in **red**. The full timelines for each of the regulation are included in **Attachment 6**.

- **Regulations under Pre-Notice review by DCA Legal or DCA Budget Office**

a. **Proposed Regulations to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14**

Summary of Regulation: This proposal updates the Self-Assessment forms 17M-13 (rev.

10/16) and 17M-14 (rev. 10/16) as incorporated by reference in Title 16 CCR section 1715. Additionally, this regulation updates section 1715 with clarifying language as to the completion and certification requirements of the self-assessment forms.

Status: Submitted to DCA for Pre-Notice Review: December 26, 2018

The Board approved self-assessment forms can be found on the Board's website:
https://www.pharmacy.ca.gov/licensees/facility/self_assess.shtml

- b. Proposed Regulations to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26

Summary of Regulation: This proposal updates the Self-Assessment form 17M-26 (rev. 10/16) as incorporated by reference in Title 16 CCR section 1784. Additionally, this regulation updates section 1784 with clarifying language as to the completion and certification requirements of the self-assessment form.

Status: Submitted to DCA for Pre-Notice Review: December 26, 2018

The Board approved self-assessment forms can be found on the Board's website:
https://www.pharmacy.ca.gov/licensees/facility/self_assess.shtml

- c. Proposed Permanent Regulation to Add Title 16 CCR Section 1747 Related to Independent HIV Preexposure and Postexposure Prophylaxis Furnishing

Summary of Regulation: This proposal, will establish on a permanent basis, the criteria for training programs that a pharmacist must complete prior to independently initiating and furnishing preexposure and postexposure prophylaxis.

Status: Submitted to DCA for Pre-Notice Review: February 7, 2020

- d. Proposed Regulation to Amend Title 16 CCR Section 1715.65 Related to Inventory Reconciliation

Summary of Regulation: This proposal amends and clarifies the requirements for the completion of the inventory reconciliation report.

Status: Submitted to DCA for Pre-Notice Review: May 11, 2020

- e. Proposed Regulation to Amend Title 16 CCR Section 1715.6 Related to Drug Losses

Summary of Regulation: This proposal amends the drug loss reporting requirements to further define when drug losses must be reported and to increase clarity for the regulated public.

Status: Submitted to DCA for Pre-Notice Review: June 3, 2020

IX. Discussion and Consideration of Board Approved Text to Initiate Rulemaking – Staff Drafting Document for Pre-Notice Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency

Attachment 7

- a. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements, and Section 1793.65 Related to the Pharmacy Technician Certification Programs

Summary of Regulation:

This proposal establishes the training requirements and certification programs and updates the application for licensure for pharmacy technicians.

Status: Returned to the board on September 3, 2020. Board staff is reviewing the legal recommendations offered by DCA to determine a course of action.

- b. Proposed Regulation to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts

Summary of Regulation: This proposal amends the board's regulations regarding ownership to include provisions relating to trust ownership of pharmacies.

Status: Returned to the board on April 22, 2020. Board staff is reviewing the legal recommendations offered by DCA to determine a course of action.

- c. Proposed Regulation to Amend Title 16 CCR Section 1704 Related to Address Change Notification

Summary of Regulation: This proposal amends the board's regulations regarding the requirements for a licensee to maintain a current electronic mail address with the board, should the licensee have one.

Status: Approved by the board on July 29, 2020.

- d. Proposed Regulation to Add Title 16 CCR Section 1708.1 Related to the Temporary Closure of Facilities

Summary of Regulation: This proposal establishes the notification requirement for the temporary closure of licensed facilities.

Status: Approved by the board on July 29, 2020.

X. Future Committee Meeting Dates

The committee will meet on the following dates:

- January 27, 2021
- April 29, 2021
- July 15, 2021
- October 27, 2021

Attachment 1

Assembly Bill No. 1710

CHAPTER 123

An act to amend Section 4052.8 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor September 24, 2020. Filed with
Secretary of State September 24, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1710, Wood. Pharmacy practice: vaccines.

Existing law, the Pharmacy Law, provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy in the Department of Consumer Affairs. A violation of the Pharmacy Law is a crime. Existing law authorizes a pharmacist to independently initiate and administer vaccines listed on the routine immunization schedules recommended by the federal Advisory Committee on Immunization Practices (ACIP) in compliance with individual ACIP vaccine recommendations, and published by the federal Centers for Disease Control and Prevention (CDC) for persons 3 years of age or older.

This bill would also authorize a pharmacist to independently initiate and administer any COVID-19 vaccines approved or authorized by the federal Food and Drug Administration (FDA) under the circumstances described above. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 4052.8 of the Business and Professions Code is amended to read:

4052.8. (a) In addition to the authority provided in paragraph (11) of subdivision (a) of Section 4052, a pharmacist may independently initiate and administer any COVID-19 vaccines approved or authorized by the federal Food and Drug Administration (FDA), or vaccines listed on the routine immunization schedules recommended by the federal Advisory Committee on Immunization Practices (ACIP), in compliance with individual ACIP vaccine recommendations, and published by the federal Centers for

Disease Control and Prevention (CDC) for persons three years of age and older.

(b) In order to initiate and administer an immunization described in subdivision (a), a pharmacist shall do all of the following:

(1) Complete an immunization training program endorsed by the CDC or the Accreditation Council for Pharmacy Education that, at a minimum, includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines, and shall maintain that training.

(2) Be certified in basic life support.

(3) Comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the State Department of Public Health.

(c) A pharmacist administering immunizations pursuant to this section, or paragraph (11) of subdivision (a) of Section 4052, may also initiate and administer epinephrine or diphenhydramine by injection for the treatment of a severe allergic reaction.

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.

AMENDED IN SENATE AUGUST 20, 2020

AMENDED IN SENATE JULY 28, 2020

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2028

**Introduced by Assembly Member Aguiar-Curry
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

An act to amend ~~Sections 11125 and~~ *Section* 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by 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. The

~~bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer, or specified entities for which the Treasurer serves as chairperson, at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.~~

Existing law, *the Bagley-Keene Open Meeting Act*, requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

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

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

1 SECTION 1. The Legislature finds and declares the following:

1 (a) The Bagley-Keene Open Meeting Act (Article 9
2 (commencing with Section 11120) of Chapter 1 of Part 1 of
3 Division 3 of Title 2 of the Government Code) (hereafter
4 “Bagley-Keene”) was intended to implement Section 3 of Article
5 I of the California Constitution, which states in part, “The people
6 have the right of access to information concerning the conduct of
7 the people’s business, and, therefore, the meetings of public bodies
8 and the writings of public officials and agencies shall be open to
9 public scrutiny.”

10 (b) Bagley-Keene was written to protect public meetings and
11 public notice and to ensure the transparency of actions taken by
12 state agencies, boards, and commissions.

13 (c) Californians have the right to participate in state body
14 deliberations. This includes the public’s ability to comment on all
15 agenda items discussed at a meeting of the state body, regardless
16 of whether an item has been discussed previously in a committee
17 of the state body.

18 (d) The purpose of public notice is so that state bodies give the
19 public adequate time for review of the substance of a state body
20 meeting and for comment.

21 (e) Public notice must also include any writings or materials
22 provided by a state body’s staff or by a member of the state body
23 to other members of the state body for a noticed meeting of the
24 body.

25 (f) Bagley-Keene affirms these rights by stating in Section 11120
26 of the Government Code, “The people of this state do not yield
27 their sovereignty to the agencies which serve them. The people,
28 in delegating authority, do not give their public servants the right
29 to decide what is good for the people to know and what is not good
30 for them to know. The people insist on remaining informed so that
31 they may retain control over the instruments they have created.”

32 ~~SEC. 2. Section 11125 of the Government Code is amended~~
33 ~~to read:~~

34 ~~11125. (a) The state body shall provide notice of its meeting~~
35 ~~to any person who requests that notice in writing. Notice shall be~~
36 ~~given and also made available on the internet website at least 10~~
37 ~~days in advance of the meeting, and shall include the name,~~
38 ~~address, and telephone number of any person who can provide~~
39 ~~further information prior to the meeting, but need not include a~~
40 ~~list of witnesses expected to appear at the meeting. The written~~

1 notice shall additionally include the address of the internet website
2 where notices required by this article are made available.

3 ~~(b) The notice of a meeting of a body that is a state body shall~~
4 ~~include a specific agenda for the meeting, containing a brief~~
5 ~~description of the items of business to be transacted or discussed~~
6 ~~in either open or closed session. A brief general description of an~~
7 ~~item generally need not exceed 20 words. A description of an item~~
8 ~~to be transacted or discussed in closed session shall include a~~
9 ~~citation of the specific statutory authority under which a closed~~
10 ~~session is being held. No item shall be added to the agenda~~
11 ~~subsequent to the provision of this notice, unless otherwise~~
12 ~~permitted by this article.~~

13 ~~(e) (1) Any notice provided pursuant to subdivision (a) shall~~
14 ~~include all writings or materials provided for the noticed meeting~~
15 ~~to a member of the state body by the staff of that state agency,~~
16 ~~board, or commission, or another member of the state body, that~~
17 ~~are in connection with a matter subject to discussion or~~
18 ~~consideration at the meeting. A state body may distribute or discuss~~
19 ~~writings or materials only to the extent that it has complied with~~
20 ~~the applicable requirements of this subdivision.~~

21 ~~(2) (A) The writings or materials to be considered at a noticed~~
22 ~~meeting and provided to members of the state body in advance of~~
23 ~~the meeting shall be made available on the body's internet website~~
24 ~~no later than the first business day following the dissemination of~~
25 ~~the writings and materials to members of the state body or at least~~
26 ~~48 hours in advance of the meeting, whichever is earlier. Upon~~
27 ~~receipt of a written request for writings or materials provided to~~
28 ~~members of the state body in advance of the meeting, a state body~~
29 ~~shall provide them immediately.~~

30 ~~(B) Any writings or materials provided to the members of the~~
31 ~~state body by another state body after the time periods described~~
32 ~~in subparagraph (A) have passed shall be posted on the body's~~
33 ~~internet website no later than the first business day, but prior to~~
34 ~~the meeting of the state body, following the dissemination of the~~
35 ~~writings and materials to the members of the state body. Upon~~
36 ~~receipt of a written request, these writings or materials shall be~~
37 ~~provided immediately. A state body that satisfies the requirements~~
38 ~~of this subparagraph may discuss these writings and materials at~~
39 ~~an otherwise properly noticed meeting.~~

1 ~~(3) (A) This subdivision does not apply to writings or materials~~
2 ~~prepared for a matter to be discussed in a closed session of the~~
3 ~~state body or to state financial materials that put the Treasurer, or~~
4 ~~any of the boards, authorities, commissions, committees, and~~
5 ~~councils for which the Treasurer serves as chairperson, at a~~
6 ~~competitive disadvantage in financial transactions.~~

7 ~~(B) For purposes of this paragraph, “financial materials” mean~~
8 ~~documents related to bonds, loans, and grants.~~

9 ~~(4) If the writings or materials described in paragraph (1) on an~~
10 ~~agenda for discussion at a meeting of the state body are related to~~
11 ~~legislation that is before the Legislature in a current legislative~~
12 ~~session or are related to changing financial market conditions, a~~
13 ~~state body shall satisfy the requirements of this subdivision by~~
14 ~~posting on its internet website the writings and materials related~~
15 ~~to the legislation or the changing market conditions as they become~~
16 ~~available after the time periods described in paragraph (2). Upon~~
17 ~~receipt of a written request, these writings or materials shall be~~
18 ~~provided immediately. The state body shall make clear what date~~
19 ~~the new or changed writings or materials are posted and, when~~
20 ~~applicable, what changes have been made in the writings or~~
21 ~~materials.~~

22 ~~(d) Notice of a meeting of a state body that complies with this~~
23 ~~section shall also constitute notice of a meeting of an advisory~~
24 ~~body of that state body, provided that the business to be discussed~~
25 ~~by the advisory body is covered by the notice of the meeting of~~
26 ~~the state body, provided that the specific time and place of the~~
27 ~~advisory body’s meeting is announced during the open and public~~
28 ~~state body’s meeting, and provided that the advisory body’s~~
29 ~~meeting is conducted within a reasonable time of, and nearby, the~~
30 ~~meeting of the state body.~~

31 ~~(e) A person may request, and shall be provided, notice pursuant~~
32 ~~to subdivision (a) for all meetings of a state body or for a specific~~
33 ~~meeting or meetings. In addition, at the state body’s discretion, a~~
34 ~~person may request, and may be provided, notice of only those~~
35 ~~meetings of a state body at which a particular subject or subjects~~
36 ~~specified in the request will be discussed.~~

37 ~~(f) A request for notice of more than one meeting of a state body~~
38 ~~shall be subject to the provisions of Section 14911.~~

39 ~~(g) The notice shall be made available in appropriate alternative~~
40 ~~formats, as required by Section 202 of the Americans with~~

1 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal~~
 2 ~~rules and regulations adopted in implementation thereof, upon~~
 3 ~~request by any person with a disability. The notice shall include~~
 4 ~~information regarding how, to whom, and by when a request for~~
 5 ~~any disability-related modification or accommodation, including~~
 6 ~~auxiliary aids or services may be made by a person with a disability~~
 7 ~~who requires these aids or services in order to participate in the~~
 8 ~~public meeting.~~

9 ~~SEC. 3.~~

10 *SEC. 2.* Section 11125.7 of the Government Code is amended
 11 to read:

12 11125.7. (a) Except as otherwise provided in this section, the
 13 state body shall provide an opportunity for members of the public
 14 to directly address the state body on each agenda item before or
 15 during the state body’s discussion or consideration of the item.
 16 Every notice for a special meeting at which action is proposed to
 17 be taken on an item shall provide an opportunity for members of
 18 the public to directly address the state body concerning that item
 19 prior to action on the item. In addition, the notice requirement of
 20 Section 11125 shall not preclude the acceptance of testimony at
 21 meetings, other than emergency meetings, from members of the
 22 public if no action is taken by the state body at the same meeting
 23 on matters brought before the body by members of the public.

24 (b) The state body may adopt reasonable regulations to ensure
 25 that the intent of subdivision (a) is carried out, including, but not
 26 limited to, regulations limiting the total amount of time allocated
 27 for public comment on particular issues and for each individual
 28 speaker.

29 (c) (1) Notwithstanding subdivision (b), when a state body
 30 limits time for public comment the state body shall provide at least
 31 twice the allotted time to a member of the public who utilizes a
 32 translator to ensure that non-English speakers receive the same
 33 opportunity to directly address the state body.

34 (2) Paragraph (1) shall not apply if the state body utilizes
 35 simultaneous translation equipment in a manner that allows the
 36 state body to hear the translated public testimony simultaneously.

37 (d) The state body shall not prohibit public criticism of the
 38 policies, programs, or services of the state body, or of the acts or
 39 omissions of the state body. Nothing in this subdivision shall confer

1 any privilege or protection for expression beyond that otherwise
2 provided by law.

3 (e) This section is not applicable to any of the following:

4 (1) Closed sessions held pursuant to Section 11126.

5 (2) Decisions regarding proceedings held pursuant to Chapter
6 5 (commencing with Section 11500), relating to administrative
7 adjudication, or to the conduct of those proceedings.

8 (3) Hearings conducted by the California Victim Compensation
9 Board pursuant to Sections 13963 and 13963.1.

10 (4) Agenda items that involve decisions of the Public Utilities
11 Commission regarding adjudicatory hearings held pursuant to
12 Chapter 9 (commencing with Section 1701) of Part 1 of Division
13 1 of the Public Utilities Code. For all other agenda items, the
14 commission shall provide members of the public, other than those
15 who have already participated in the proceedings underlying the
16 agenda item, an opportunity to directly address the commission
17 before or during the commission's consideration of the item.

O

Assembly Bill No. 2077

CHAPTER 274

An act to amend Section 4145.5 of, and to repeal Sections 4142 and 4326 of, the Business and Professions Code, and to amend Section 11364 of, and to repeal Section 121285 of, the Health and Safety Code, relating to healing arts.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2077, Ting. Hypodermic needles and syringes.

Existing law prohibits, except as specified, the sale of a hypodermic needle or syringe at retail except upon the prescription of a physician, dentist, veterinarian, podiatrist, or naturopathic doctor.

This bill would repeal that provision.

Existing law, until January 1, 2021, authorizes a physician or pharmacist to, without a prescription or permit, furnish hypodermic needles and syringes for human use to a person 18 years of age or older, and authorizes a person 18 years of age or older to, without a prescription or license, obtain hypodermic needles and syringes solely for personal use from a physician or pharmacist, as a public health measure, as specified.

This bill would extend this authority until January 1, 2026, and would make other conforming changes.

Existing law makes it a misdemeanor for a person to obtain a hypodermic needle or hypodermic syringe by a false or fraudulent representation or design or by a forged or fictitious name. Existing law also makes it a misdemeanor for a person who has obtained a hypodermic needle or hypodermic syringe from any person to whom a permit has been issued to use, or permit or cause, directly or indirectly, the hypodermic needle or hypodermic syringe to be used for any purpose other than that for which it was obtained.

This bill would repeal those provisions and make other conforming changes.

Existing law establishes the Disease Prevention Demonstration Project, a collaboration between pharmacies and local and state health officials for the purpose of evaluating the long-term desirability of allowing licensed pharmacists to furnish or sell nonprescription hypodermic needles or hypodermic syringes to prevent the spread of bloodborne pathogens.

This bill would repeal those provisions.

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

SECTION 1. Section 4142 of the Business and Professions Code is repealed.

SEC. 2. Section 4145.5 of the Business and Professions Code is amended to read:

4145.5. (a) Notwithstanding any other provision of law, a pharmacist or physician may, without a prescription or a permit, furnish hypodermic needles and syringes for human use, and a person may, without a prescription or license, obtain hypodermic needles and syringes from a pharmacist or physician for human use, if the furnisher has previously been provided a prescription or other proof of a legitimate medical need requiring a hypodermic needle or syringe to administer a medicine or treatment.

(b) Notwithstanding any other provision of law, and until January 1, 2026, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, a physician or pharmacist may, without a prescription or a permit, furnish hypodermic needles and syringes for human use to a person 18 years of age or older, and a person 18 years of age or older may, without a prescription or license, obtain hypodermic needles and syringes solely for personal use from a physician or pharmacist.

(c) Notwithstanding any other provision of law, a pharmacist, veterinarian, or person licensed pursuant to Section 4141 may, without a prescription or license, furnish hypodermic needles and syringes for use on animals, and a person may, without a prescription or license, obtain hypodermic needles and syringes from a pharmacist, veterinarian, or person licensed pursuant to Section 4141 for use on animals.

(d) A pharmacy that furnishes nonprescription hypodermic needles and syringes shall store hypodermic needles and syringes in a manner that ensures that they are available only to authorized personnel, and are not accessible to other persons.

(e) In order to provide for the safe disposal of hypodermic needles and syringes, a pharmacy or hypodermic needle and syringe exchange program that furnishes nonprescription hypodermic needles and syringes shall counsel consumers on safe disposal and provide consumers with one or more of the following disposal options:

(1) It shall establish an onsite, safe, hypodermic needle and syringe collection and disposal program that meets applicable state and federal standards for collection and disposal of medical sharps waste.

(2) It shall furnish, or make available, mail-back sharps containers authorized by the United States Postal Service that meet applicable state and federal requirements for the transport of medical sharps waste, and shall provide tracking forms to verify destruction at a certified disposal facility.

(3) It shall furnish, or make available, a sharps container that meets applicable state and federal standards for collection and disposal of medical sharps waste.

(f) Until January 1, 2026, a pharmacy that furnishes nonprescription syringes shall provide written information or verbal counseling to consumers at the time of furnishing or sale of nonprescription hypodermic needles or syringes on how to do the following:

- (1) Access drug treatment.
- (2) Access testing and treatment for HIV and hepatitis C.
- (3) Safely dispose of sharps waste.

SEC. 3. Section 4326 of the Business and Professions Code is repealed.

SEC. 4. Section 11364 of the Health and Safety Code is amended to read:

11364. (a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug classified in Schedule III, IV, or V.

(b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.

(c) Until January 1, 2026, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, this section shall not apply to the possession solely for personal use of hypodermic needles or syringes.

SEC. 5. Section 121285 of the Health and Safety Code is repealed.

Assembly Bill No. 2113

CHAPTER 186

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 27, 2020. Filed with Secretary of State September 27, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, Low. Refugees, asylees, and special immigrant visa holders: professional licensure: initial licensure process.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits a board within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

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

SECTION 1. Section 135.4 is added to the Business and Professions Code, to read:

135.4. (a) Notwithstanding any other law, 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 they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

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AMENDED IN ASSEMBLY MAY 18, 2020
AMENDED IN ASSEMBLY MARCH 12, 2020
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Salas
(Coauthor: Assembly Member Gonzalez)

February 19, 2020

An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Salas. Department of Consumer Affairs: temporary licenses.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. Existing law requires a board 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 authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand that requirement to issue temporary licenses to include licenses issued by the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation. ~~The bill would require a temporary license to be converted to a standard license if, within 12 months of issuance, the applicant demonstrates having met all of the requirements for a standard license or submits documents demonstrating that the requirements to obtain the out-of-state license were substantially equivalent to the requirements for a standard license as determined by the board in order to protect the public. The bill would require a board to adopt~~ *submit to the department for approval draft regulations necessary to administer these provisions and to publish regulations on its internet website and in application materials* by January 1, 2022. *The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who 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 is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year.*

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) ~~Except as provided in subdivision (h),~~ a board
- 4 within the department shall, after appropriate investigation, issue

1 the following eligible temporary licenses to an applicant within
2 30 days of receiving the required documentation pursuant to
3 meeting the requirements set forth in subdivision (c):

4 (1) Registered nurse license by the Board of Registered Nursing.

5 (2) Vocational nurse license issued by the Board of Vocational
6 Nursing and Psychiatric Technicians of the State of California.

7 (3) Psychiatric technician license issued by the Board of
8 Vocational Nursing and Psychiatric Technicians of the State of
9 California.

10 (4) Speech-language pathologist license issued by the
11 Speech-Language Pathology and Audiology and Hearing Aid
12 Dispensers Board.

13 (5) Audiologist license issued by the Speech-Language
14 Pathology and Audiology and Hearing Aid Dispensers Board.

15 (6) All licenses issued by the Veterinary Medical Board.

16 (7) All licenses issued by the Board for Professional Engineers,
17 Land Surveyors, and Geologists.

18 (8) All licenses issued by the Medical Board of California.

19 (9) All licenses issued by the Podiatric Medical Board of
20 California.

21 (10) All licenses issued by the Dental Board of California.

22 (11) All licenses issued by the Dental Hygiene Board of
23 California.

24 (12) All licenses issued by the California State Board of
25 Pharmacy.

26 (13) All licenses issued by the State Board of Barbering and
27 Cosmetology.

28 (14) All licenses issued by the Board of Psychology.

29 (15) All licenses issued by the California Board of Occupational
30 Therapy.

31 (16) All licenses issued by the Physical Therapy Board of
32 California.

33 (17) All licenses issued by the California Board of Accountancy.
34 Revenues from fees for temporary licenses issued under this
35 paragraph shall be credited to the Accountancy Fund in accordance
36 with Section 5132.

37 (b) The board may conduct an investigation of an applicant for
38 purposes of denying or revoking a temporary license issued
39 pursuant to this section. This investigation may include a criminal
40 background check.

1 (c) An applicant seeking a temporary license pursuant to this
2 section shall meet the following requirements:

3 (1) The applicant shall supply evidence satisfactory to the board
4 that the applicant is married to, or in a domestic partnership or
5 other legal union with, an active duty member of the Armed Forces
6 of the United States who is assigned to a duty station in this state
7 under official active duty military orders.

8 (2) The applicant shall hold a current, active, and unrestricted
9 license that confers upon the applicant the authority to practice,
10 in another state, district, or territory of the United States, the
11 profession or vocation for which the applicant seeks a temporary
12 license from the board.

13 (3) The applicant shall submit an application to the board that
14 shall include a signed affidavit attesting to the fact that the
15 applicant meets all of the requirements for the temporary license
16 and that the information submitted in the application is accurate,
17 to the best of the applicant's knowledge. The application shall also
18 include written verification from the applicant's original licensing
19 jurisdiction stating that the applicant's license is in good standing
20 in that jurisdiction.

21 (4) The applicant shall not have committed an act in any
22 jurisdiction that would have constituted grounds for denial,
23 suspension, or revocation of the license under this code at the time
24 the act was committed. A violation of this paragraph may be
25 grounds for the denial or revocation of a temporary license issued
26 by the board.

27 (5) The applicant shall not have been disciplined by a licensing
28 entity in another jurisdiction and shall not be the subject of an
29 unresolved complaint, review procedure, or disciplinary proceeding
30 conducted by a licensing entity in another jurisdiction.

31 (6) The applicant shall, upon request by a board, furnish a full
32 set of fingerprints for purposes of conducting a criminal
33 background check.

34 (d) A temporary license issued pursuant to this section may be
35 immediately terminated upon a finding that the temporary
36 licenseholder failed to meet any of the requirements described in
37 subdivision (c) or provided substantively inaccurate information
38 that would affect the person's eligibility for temporary licensure.
39 Upon termination of the temporary license, the board shall issue
40 a notice of termination that shall require the temporary

1 licenseholder to immediately cease the practice of the licensed
2 profession upon receipt.

3 (e) An applicant seeking a temporary license as a civil engineer,
4 geotechnical engineer, structural engineer, land surveyor,
5 professional geologist, professional geophysicist, certified
6 engineering geologist, or certified hydrogeologist pursuant to this
7 section shall successfully pass the appropriate California-specific
8 examination or examinations required for licensure in those
9 respective professions by the Board for Professional Engineers,
10 Land Surveyors, and Geologists.

11 (f) A temporary license issued pursuant to this section shall
12 expire 12 months after issuance, upon issuance of an expedited
13 license pursuant to Section 115.5, a license by endorsement, or
14 upon denial of the application for expedited licensure by the board,
15 whichever occurs first.

16 ~~(g) A temporary license issued pursuant to this section shall be
17 converted to a standard license if, within 12 months of issuance,
18 the applicant demonstrates having met all of the requirements for
19 a standard license or submits documents demonstrating that the
20 requirements to obtain the out-of-state license were substantially
21 equivalent to the requirements for a standard license as determined
22 by the board in order to protect the public.~~

23 ~~(h)~~

24 (g) A board shall ~~adopt~~ *submit to the department for approval*
25 *draft* regulations necessary to administer this section ~~and shall~~
26 ~~publish these regulations on its internet website and in application~~
27 ~~materials~~ by January 1, 2022. *These regulations shall be adopted*
28 *pursuant to the Administrative Procedure Act (Chapter 3.5*
29 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
30 *2 of the Government Code).*

31 (h) *This section shall not apply to a board that has a process*
32 *in place by which an out-of-state licensed applicant in good*
33 *standing who is married to, or in a domestic partnership or other*
34 *legal union with, an active duty member of the Armed Forces of*
35 *the United States is able to receive expedited, temporary*
36 *authorization to practice while meeting state-specific requirements*
37 *for a period of at least one year.*

38 SEC. 2. Section 5132 of the Business and Professions Code is
39 amended to read:

1 5132. (a) All moneys received by the board under this chapter
 2 from any source and for any purpose and from a temporary license
 3 issued under Section 115.6 shall be accounted for and reported
 4 monthly by the board to the Controller and at the same time the
 5 moneys shall be remitted to the State Treasury to the credit of the
 6 Accountancy Fund.

7 (b) The secretary-treasurer of the board shall, from time to time,
 8 but not less than once each fiscal year, prepare or have prepared
 9 on their behalf, a financial report of the Accountancy Fund that
 10 contains information that the board determines is necessary for
 11 the purposes for which the board was established.

12 (c) The report of the Accountancy Fund, which shall be
 13 published pursuant to Section 5008, shall include the revenues and
 14 the related costs from examination, initial licensing, license
 15 renewal, citation and fine authority, and cost recovery from
 16 enforcement actions and case settlements.

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REVISIONS:

Heading—Line 2.

AMENDED IN SENATE JULY 16, 2020

AMENDED IN ASSEMBLY JUNE 15, 2020

AMENDED IN ASSEMBLY MAY 11, 2020

AMENDED IN ASSEMBLY MARCH 12, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2983

Introduced by Assembly Member Holden

February 21, 2020

An act to add Section 4063.5 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2983, as amended, Holden. Pharmacies: automatic refills.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy, and makes a willful violation of those provisions a misdemeanor. Existing law prohibits a prescription for any dangerous drug or dangerous device to be refilled except upon authorization of the prescriber.

This bill would, commencing January 1, 2022, prohibit a pharmacy from using an automated computer system to contact a prescriber to authorize a prescription for any dangerous drug or device to be refilled for more than a 30-day supply unless the prescriber or patient has authorized the pharmacy to do so. The bill would prohibit a pharmacy from requesting more than the number of refills authorized in the original prescription. The bill would exempt certain pharmacies owned or operated by a nonprofit health care service plan, as ~~specified~~.

specified, and “correctional pharmacies” as defined in existing law. Because the bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Automated pharmacy refill systems can be helpful for people
4 with chronic conditions who take daily medications by reducing
5 lag time between refills.

6 (b) It is the intent of the Legislature that the prescriber retain
7 primary discretion regarding the number of refills of a prescribed
8 medication a patient should receive.

9 (c) The Legislature does not intend for this act to do either of
10 the following:

11 (1) Prohibit a patient’s use of an automatic refill program if
12 the patient chooses to opt-in to one.

13 (2) Require patients to give a pharmacy authorization for use
14 of an automated system to contact a doctor more than once.

15 SECTION 1.

16 SEC. 2. Section 4063.5 is added to the Business and Professions
17 Code, to read:

18 4063.5. (a) A pharmacy shall not use an automated computer
19 system to contact a prescriber to authorize a prescription for any
20 dangerous drug or device to be refilled for more than a 30-day
21 supply unless the prescriber or patient has authorized the pharmacy
22 to do so. A pharmacy shall not request more than the number of
23 refills authorized in the original prescription.

24 (b) This section shall not apply to a any of the following:

25 (1) A pharmacy owned or operated by a nonprofit health care
26 service plan with at least 3,500,000 enrollees that provides health

1 care services to enrollees in a specific geographic area through a
2 mutually exclusive contract with a single medical group.

3 (2) *A pharmacy as described in Section 4021.5.*

4 (c) This section shall become operative on January 1, 2022.

5 ~~SEC. 2.~~

6 *SEC. 3.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

ASSEMBLY BILL

No. 3045

**Introduced by Assembly Member ~~Gray~~ Members *Gray and Patterson*
(Principal coauthor: *Assembly Member Gallagher*)
(Coauthors: *Assembly Members Fong, Gipson, Grayson, and Obernolte*)**

February 21, 2020

An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board 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 boards 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. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) A board not specified in subdivision (a) of Section
- 4 115.6 shall, after appropriate investigation, issue a license to an
- 5 applicant if the applicant meets all of the following requirements:
- 6 (1) The applicant shall supply evidence satisfactory to the board
- 7 that the applicant is an honorably discharged veteran of the Armed
- 8 Forces of the United States or is married to, or in a domestic
- 9 partnership or other legal union with, an active duty member of

1 the Armed Forces of the United States who is assigned to a duty
2 station in this state under official active duty military orders.

3 (2) The applicant shall hold a current, active, and unrestricted
4 license that confers upon the applicant the authority to practice,
5 in another state, district, or territory of the United States, the
6 profession or vocation for which the applicant seeks a license from
7 the board.

8 (3) The applicant shall submit an application to the board that
9 shall include a signed affidavit attesting to the fact that the
10 applicant meets all of the requirements for the license and that the
11 information submitted in the application is accurate, to the best of
12 the applicant's knowledge. The application shall also include
13 written verification from the applicant's original licensing
14 jurisdiction stating that the applicant's license is in good standing
15 in that jurisdiction.

16 (4) The applicant shall not have committed an act in any
17 jurisdiction that would have constituted grounds for denial,
18 suspension, or revocation of the license under this code at the time
19 the act was committed. A violation of this paragraph may be
20 grounds for the denial or revocation of a license issued by the
21 board.

22 (5) The applicant shall not have been disciplined by a licensing
23 entity in another jurisdiction and shall not be the subject of an
24 unresolved complaint, review procedure, or disciplinary proceeding
25 conducted by a licensing entity in another jurisdiction.

26 (6) The applicant shall, upon request by a board, furnish a full
27 set of fingerprints for purposes of conducting a criminal
28 background check.

29 (b) A board may adopt regulations necessary to administer this
30 section.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within
38 the meaning of Section 6 of Article XIII B of the California
39 Constitution.

- 1 _____
- 2 **REVISIONS:**
- 3 **Heading—Lines 1 and 2.**
- 4 _____

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AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 3342

Introduced by Assembly Member Bauer-Kahan

February 21, 2020

An act to ~~amend Section 25914.2 of the Health and Safety Code, relating to hazardous substances; add Section 4119.25 to the Business and Professions Code, and to add Section 1596.7985 to the Health and Safety Code, relating to care facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3342, as amended, Bauer-Kahan. ~~Asbestos and hazardous substance removal.~~ *Child daycare facilities: emergency epinephrine auto-injectors.*

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of daycare centers, as defined, and family daycare homes, as defined, by the State Department of Social Services. A violation of the act is a crime. Existing law declares the intent of the Legislature to encourage any person who provides childcare in a licensed child daycare facility to have certain elementary health care training, including cardiopulmonary resuscitation and pediatric first aid. Existing law authorizes licensees and staff of a child daycare facility to perform blood glucose testing and administer inhaled medication to a child if specified requirements are met.

Existing law requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors, as defined, to school nurses and trained personnel who have volunteered to use epinephrine auto-injectors under emergency circumstances, as specified, and authorizes school nurses and trained personnel to use

epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

This bill would require the State Department of Social Services by January 1, 2025, to establish a program to authorize child daycare facilities to keep emergency epinephrine auto-injectors onsite to be administered by trained, volunteer personnel to provide emergency medical aid to a person who is suffering, or reasonably believed to be suffering, from an anaphylactic reaction. The bill would require the department to develop a training program for the participating personnel, which would include components, including, but not limited to, techniques for recognizing symptoms of anaphylaxis and emergency followup procedures.

Existing law authorizes a pharmacy to furnish epinephrine auto-injectors to a school district, county office of education, or charter school if certain requirements are met.

This bill would authorize a pharmacy to furnish epinephrine auto-injectors to the State Department of Health Care Services under the program created pursuant to this bill, subject to similar requirements.

~~Existing law regulates the removal of asbestos and hazardous substances, as defined, under contracts for work performed on behalf of the public and private entities and persons. Existing law requires, when the presence of asbestos or hazardous substances is not disclosed in the bid or contract documents, that all asbestos-related work and hazardous substance removal be performed pursuant to a separate contract from any other work performed. Existing law further requires a contractor who encounters materials the contractor believes to be asbestos or a hazardous substance to stop work on the affected area and report the condition, as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

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

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

- 1 *SECTION 1. Section 4119.25 is added to the Business and*
- 2 *Professions Code, to read:*

1 4119.25. (a) Notwithstanding any other law, a pharmacy may
2 furnish epinephrine auto-injectors to the State Department of
3 Social Services only if the following conditions are met:

4 (1) The epinephrine auto-injectors are furnished exclusively for
5 use at a child daycare facility participating in the program created
6 by the department pursuant to Section 1596.7985 of the Health
7 and Safety Code.

8 (2) A physician and surgeon provides a written order that
9 specifies the quantity of epinephrine auto-injectors to be furnished.

10 (b) Records regarding the acquisition and disposition of
11 epinephrine auto-injectors furnished pursuant to subdivision (a)
12 shall be maintained by the State Department of Social Services
13 for a period of three years from the date the records were created.
14 The department shall be responsible for monitoring the supply of
15 epinephrine auto-injectors and ensuring the destruction of expired
16 epinephrine auto-injectors.

17 SEC. 2. Section 1596.7985 is added to the Health and Safety
18 Code, to read:

19 1596.7985. (a) By January 1, 2025, the department shall
20 establish a program to authorize child daycare facilities to keep
21 emergency epinephrine auto-injectors onsite to be administered
22 by trained personnel to provide emergency medical aid to persons
23 suffering, or reasonably believed to be suffering, from an
24 anaphylactic reaction. The program shall include training
25 requirements for those employees who volunteer to participate in
26 the program.

27 (b) For purposes of this section, the following terms have the
28 following meanings:

29 (1) “Anaphylaxis” means a potentially life-threatening
30 hypersensitivity to a substance.

31 (A) Symptoms of anaphylaxis may include shortness of breath,
32 wheezing, difficulty breathing, difficulty talking or swallowing,
33 hives, itching, swelling, shock, or asthma.

34 (B) Causes of anaphylaxis may include, but are not limited to,
35 an insect sting, food allergy, drug reaction, and exercise.

36 (2) “Epinephrine auto-injector” means a disposable delivery
37 device designed for the automatic injection of a premeasured dose
38 of epinephrine into the human body to prevent or treat a
39 life-threatening allergic reaction. “Epinephrine auto-injector”
40 includes a junior epinephrine auto-injector.

1 (3) “Volunteer” or “trained personnel” means an employee
2 with a current certificate in pediatric first aid who has volunteered
3 to administer an epinephrine auto-injector to a person who is
4 suffering, or reasonably believed to be suffering, from anaphylaxis,
5 has been designated by a daycare facility, and has received
6 training pursuant to subdivision (c).

7 (c) (1) The department shall develop, or contract for the
8 development of, a training program for purposes of this section
9 and shall ensure that an individual described in paragraph (3) of
10 subdivision (b) successfully completes that program. The training
11 program shall address, at a minimum, all of the following:

12 (A) Techniques for recognizing symptoms of anaphylaxis.

13 (B) Standards and procedures for the storage, restocking, and
14 emergency use of epinephrine auto-injectors.

15 (C) Emergency followup procedures, including calling the
16 emergency 911 telephone number and contacting, if possible, the
17 child’s parent and physician.

18 (D) Recommendations on the necessity of instruction and
19 certification in cardiopulmonary resuscitation.

20 (E) Written materials covering the information required under
21 this subdivision.

22 (2) The training developed pursuant to this subdivision shall
23 be consistent with the most recent Voluntary Guidelines for
24 Managing Food Allergies In Schools and Early Care and
25 Education Programs published by the federal Centers for Disease
26 Control and Prevention and the most recent guidelines for
27 medication administration issued by the department.

28 SECTION 1. Section 25914.2 of the Health and Safety Code
29 is amended to read:

30 25914.2. ~~(a) All asbestos-related work and hazardous~~
31 ~~substance removal shall be performed pursuant to a contract~~
32 ~~separate from any other work to be performed, when the presence~~
33 ~~of asbestos or hazardous substances is not disclosed in the bid or~~
34 ~~contract documents.~~

35 ~~(b) Asbestos-related and hazardous substance removal work~~
36 ~~that is disclosed in the bid or contract documents shall not require~~
37 ~~a separate contract from any other work to be performed.~~

38 ~~(c) If a contractor encounters on the site materials the contractor~~
39 ~~reasonably believes to be asbestos or a hazardous substance, and~~
40 ~~the asbestos or hazardous substance has not been rendered~~

1 ~~harmless, the contractor may continue work in unaffected areas~~
2 ~~reasonably believed safe, and shall immediately cease work on the~~
3 ~~area affected and report the condition to the owner, or the owner's~~
4 ~~representative, or architect in writing.~~

5 ~~(d) With regard to a public entity, if an emergency condition~~
6 ~~arises, as defined in Section 10122 or 22035 of the Public Contract~~
7 ~~Code, then all asbestos-related and hazardous substance removal~~
8 ~~shall be contracted and performed pursuant to Section 10122 or~~
9 ~~22035 of the Public Contract Code, respectively. Contractors~~
10 ~~performing the work shall have all registration and certificates~~
11 ~~required pursuant to the Labor Code and the Business and~~
12 ~~Professions Code.~~

Senate Bill No. 878

CHAPTER 131

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 24, 2020. Filed with Secretary of State September 24, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 878, Jones. Department of Consumer Affairs: license: application: processing timeframes.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill, beginning July 1, 2021, would require each board within the department that issues licenses to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The bill would also require each board to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.

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

SECTION 1. Section 139.5 is added to the Business and Professions Code, to read:

139.5. Beginning July 1, 2021, each board, as defined in Section 22, within the department that issues a license shall do both of the following on at least a quarterly basis:

- (a) Prominently display on its internet website one of the following:
 - (1) The current average timeframes for processing initial and renewal license applications.
 - (2) The combined current average timeframe for processing both initial and renewal license applications.
- (b) Prominently display on its internet website one of the following:
 - (1) The current average timeframes for processing each license type that the board administers.

(2) The combined current average timeframe for processing all license types that the board administers.

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Senate Bill No. 1474

CHAPTER 312

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, and to add Section 7099.9 to, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund, except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

Existing law authorizes the registrar of contractors to grant the retroactive renewal of a license if, within 90 days from the due date, the licensee requests the retroactive renewal in a petition to the registrar, shows that the failure to renew was due to circumstances beyond their control, files an application for renewal on a form prescribed by the registrar, and pays the appropriate renewal and delinquency fees.

This bill, instead, would require the registrar to grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal and pays the renewal and delinquency fees. The bill would delete the requirement that the licensee demonstrate that the delay was due to circumstances beyond the licensee's control, and would deem an application for renewal submitted for purposes of these provisions if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

(2) Existing law establishes the Landscape Architects Technical Committee to assist the California Architects Board in examining candidates for a landscape architect's license. Existing law, on and after January 1, 2021, requires an applicant to furnish to the committee a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would revise the date on which this requirement becomes effective to January 1, 2022.

(3) Existing law, the Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2023.

(4) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

(5) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(6) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(7) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(13) Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties

of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(14) Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

(15) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(16) This bill would make other conforming, technical, and nonsubstantive changes.

(17) This bill would incorporate additional changes to Section 205 of the Business and Professions Code proposed by AB 896 to be operative only if this bill and AB 896 are enacted and this bill is enacted last.

(18) This bill would incorporate additional changes to Section 2113 of the Business and Professions Code proposed by AB 2273 to be operative only if this bill and AB 2273 are enacted and this bill is enacted last.

(19) This bill would incorporate additional changes to Section 7159 of the Business and Professions Code proposed by AB 2471 to be operative only if this bill and AB 2471 are enacted and this bill is enacted last.

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

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

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

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant 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) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

(b) In providing information on the internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Household Goods and Services shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, service contract administrators, and household movers.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The Acupuncture Board shall disclose information on its licensees.

(13) The Board of Behavioral Sciences shall disclose information on its licensees and registrants.

(14) The Dental Board of California shall disclose information on its licensees.

(15) The State Board of Optometry shall disclose information on its licensees and registrants.

(16) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permit holders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Cannabis Control shall disclose information on its licensees.

(g) “Internet” for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.
- (aa) The Physical Therapy Board of California.
- (ab) The Arbitration Review Program.
- (ac) The Physician Assistant Board.
- (ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (ae) The California Board of Occupational Therapy.
- (af) The Osteopathic Medical Board of California.
- (ag) The Naturopathic Medicine Committee.
- (ah) The Dental Hygiene Board of California.
- (ai) The Professional Fiduciaries Bureau.
- (aj) The State Board of Chiropractic Examiners.
- (ak) The Bureau of Real Estate Appraisers.
- (al) The Structural Pest Control Board.
- (am) The Bureau of Cannabis Control.
- (an) Any other boards, offices, or officers subject to its jurisdiction by law.
- (ao) This section shall become operative on July 1, 2018.

SEC. 3. 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.

SEC. 4. Section 130 of the Business and Professions Code is amended to read:

130. (a) Notwithstanding any other law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors State License Board.
- (13) The Board of Behavioral Sciences.
- (14) The Court Reporters Board of California.
- (15) The State Athletic Commission.
- (16) The Osteopathic Medical Board of California.
- (17) The Respiratory Care Board of California.
- (18) The Acupuncture Board.
- (19) The Board of Psychology.
- (20) The Structural Pest Control Board.

SEC. 5. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee.

- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Bureau of Cannabis Control.
- (28) Podiatric Medical Board of California.
- (29) Osteopathic Medical Board of California.
- (30) California Architects Board, beginning January 1, 2021.
- (31) Landscape Architects Technical Committee, beginning January 1, 2022.

(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 6. Section 200.1 of the Business and Professions Code is amended to read:

200.1. (a) Any accruals that occur on or after September 11, 1993, to any funds or accounts within the Professions and Vocations Fund that realize increased revenues to that fund or account as a result of legislation enacted on or after September 11, 1993, and that have not been transferred pursuant to Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993 on the effective date of the act that enacted this section, shall be exempt from the transfers contained in Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993. These funds shall include, but not be limited to, all of the following:

- (1) Athletic Commission Fund.
- (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- (3) Contractors License Fund.
- (4) Private Investigator Fund.
- (5) Respiratory Care Fund.
- (6) Vocational Nursing and Psychiatric Technicians Fund.

(b) Subdivision (a) shall not apply to the Contingent Fund of the Medical Board of California.

SEC. 7. Section 205 of the Business and Professions Code, as amended by Section 2 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) State Dental Assistant Fund.
- (35) Structural Pest Control Fund.
- (36) Structural Pest Control Eradication and Enforcement Fund.
- (37) Structural Pest Control Research Fund.
- (38) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall be repealed on July 1, 2022.

SEC. 8. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) Structural Pest Control Fund.
- (35) Structural Pest Control Eradication and Enforcement Fund.
- (36) Structural Pest Control Research Fund.
- (37) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall

be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 8.5. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Acupuncture Fund.
- (25) Physician Assistant Fund.
- (26) Board of Podiatric Medicine Fund.
- (27) Psychology Fund.
- (28) Respiratory Care Fund.
- (29) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (30) Board of Registered Nursing Fund.
- (31) Animal Health Technician Examining Committee Fund.
- (32) State Dental Hygiene Fund.
- (33) Structural Pest Control Fund.
- (34) Structural Pest Control Eradication and Enforcement Fund.
- (35) Structural Pest Control Research Fund.
- (36) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate

account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 9. Section 494.5 of the Business and Professions Code is amended to read:

494.5. (a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee's name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee's name is included on a certified list. The word "may" shall be substituted for the word "shall" relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee's name is included on a certified list.

(b) For purposes of this section:

(1) "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) "License" includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. "License" includes a driver's license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. "License" excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) "Licensee" means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) "State governmental licensing entity" means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General, the Department of Insurance, the Department of Motor Vehicles, the State Bar of California, the Department of Real Estate, and any other state agency, board, or commission that issues a license, certificate, or registration authorizing an individual to engage in a profession or occupation, including any certificate, business or occupational license, or permit or license issued by the Department of Motor Vehicles or the Department of the California

Highway Patrol. “State governmental licensing entity” shall not include the Contractors State License Board.

(c) The State Board of Equalization and the Franchise Tax Board shall each submit its respective certified list to every state governmental licensing entity. The certified lists shall include the name, social security number or taxpayer identification number, and the last known address of the persons identified on the certified lists.

(d) Notwithstanding any other law, each state governmental licensing entity shall collect the social security number or the federal taxpayer identification number from all applicants for the purposes of matching the names of the certified lists provided by the State Board of Equalization and the Franchise Tax Board to applicants and licensees.

(e) (1) Each state governmental licensing entity shall determine whether an applicant or licensee is on the most recent certified list provided by the State Board of Equalization and the Franchise Tax Board.

(2) If an applicant or licensee is on either of the certified lists, the state governmental licensing entity shall immediately provide a preliminary notice to the applicant or licensee of the entity’s intent to suspend or withhold issuance or renewal of the license. The preliminary notice shall be delivered personally or by mail to the applicant’s or licensee’s last known mailing address on file with the state governmental licensing entity within 30 days of receipt of the certified list. Service by mail shall be completed in accordance with Section 1013 of the Code of Civil Procedure.

(A) The state governmental licensing entity shall issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license.

(B) The 90-day time period for a temporary license shall not be extended. Only one temporary license shall be issued during a regular license term and the term of the temporary license shall coincide with the first 90 days of the regular license term. A license for the full term or the remainder of the license term may be issued or renewed only upon compliance with this section.

(C) In the event that a license is suspended or an application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the state governmental licensing entity.

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release pursuant to subdivision (h). The procedures in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial or suspension of, or refusal to renew, a license or the issuance of a temporary license pursuant to this section.

(2) Notwithstanding any other law, if a board, bureau, or commission listed in Section 101, other than the Contractors State License Board, fails to take action in accordance with this section, the Department of Consumer Affairs shall issue a temporary license or suspend or refuse to issue, reactivate, reinstate, or renew a license, as appropriate.

(g) Notices shall be developed by each state governmental licensing entity. For an applicant or licensee on the State Board of Equalization's certified list, the notice shall include the address and telephone number of the State Board of Equalization, and shall emphasize the necessity of obtaining a release from the State Board of Equalization as a condition for the issuance, renewal, or continued valid status of a license or licenses. For an applicant or licensee on the Franchise Tax Board's certified list, the notice shall include the address and telephone number of the Franchise Tax Board, and shall emphasize the necessity of obtaining a release from the Franchise Tax Board as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) The notice shall inform the applicant that the state governmental licensing entity shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 90 calendar days if the applicant is otherwise eligible and that upon expiration of that time period, the license will be denied unless the state governmental licensing entity has received a release from the State Board of Equalization or the Franchise Tax Board, whichever is applicable.

(2) The notice shall inform the licensee that any license suspended under this section will remain suspended until the state governmental licensing entity receives a release along with applications and fees, if applicable, to reinstate the license.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any moneys paid by the applicant or licensee shall not be refunded by the state governmental licensing entity. The state governmental licensing entity shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(h) If the applicant or licensee wishes to challenge the submission of their name on a certified list, the applicant or licensee shall make a timely written request for release to the State Board of Equalization or the Franchise Tax Board, whichever is applicable. The State Board of Equalization or the Franchise Tax Board shall immediately send a release to the appropriate state governmental licensing entity and the applicant or licensee, if any of the following conditions are met:

(1) The applicant or licensee has complied with the tax obligation, either by payment of the unpaid taxes or entry into an installment payment agreement, as described in Section 6832 or 19008 of the Revenue and Taxation Code, to satisfy the unpaid taxes.

(2) The applicant or licensee has submitted a request for release not later than 45 days after the applicant's or licensee's receipt of a preliminary notice described in paragraph (2) of subdivision (e), but the State Board of Equalization or the Franchise Tax Board, whichever is applicable, will be unable to complete the release review and send notice of its findings to the applicant or licensee and state governmental licensing entity within 45 days after the State Board of Equalization's or the Franchise Tax Board's receipt of the applicant's or licensee's request for release. Whenever a release is granted under this paragraph, and, notwithstanding that release, the applicable license or licenses have been suspended erroneously, the state governmental licensing entity shall reinstate the applicable licenses with retroactive effect back to the date of the erroneous suspension and that suspension shall not be reflected on any license record.

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. "Financial hardship" means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

(i) An applicant or licensee is required to act with diligence in responding to notices from the state governmental licensing entity and the State Board of Equalization or the Franchise Tax Board with the recognition that the temporary license will lapse or the license suspension will go into effect after 90 days and that the State Board of Equalization or the Franchise Tax Board must have time to act within that period. An applicant's or licensee's delay in acting, without good cause, which directly results in the inability of the State Board of Equalization or the Franchise Tax Board, whichever is applicable, to complete a review of the applicant's or licensee's request for release shall not constitute the diligence required under this section which would justify the issuance of a release. An applicant or licensee shall have the burden of establishing that they diligently responded to notices from the state governmental licensing entity or the State Board of Equalization or the Franchise Tax Board and that any delay was not without good cause.

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee

and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

(k) The State Board of Equalization and the Franchise Tax Board may enter into interagency agreements with the state governmental licensing entities necessary to implement this section.

(l) Notwithstanding any other law, a state governmental licensing entity, with the approval of the appropriate department director or governing body, may impose a fee on a licensee whose license has been suspended pursuant to this section. The fee shall not exceed the amount necessary for the state governmental licensing entity to cover its costs in carrying out the provisions of this section. Fees imposed pursuant to this section shall be deposited in the fund in which other fees imposed by the state governmental licensing entity are deposited and shall be available to that entity upon appropriation in the annual Budget Act.

(m) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

(n) Any state governmental licensing entity receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or who has been granted a temporary license under this section shall respond that the license was denied or suspended or the temporary license was issued only because the licensee appeared on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Information collected pursuant to this section by any state agency, board, or department shall be subject to the

Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Any state governmental licensing entity that discloses on its internet website or other publication that the licensee has had a license denied or suspended under this section or has been granted a temporary license under this section shall prominently disclose, in bold and adjacent to the information regarding the status of the license, that the only reason the license was denied, suspended, or temporarily issued is because the licensee failed to pay taxes.

(o) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with 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). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(p) The State Board of Equalization, the Franchise Tax Board, and state governmental licensing entities, as appropriate, shall adopt regulations as necessary to implement this section.

(q) (1) Neither the state governmental licensing entity, nor any officer, employee, or agent, or former officer, employee, or agent of a state governmental licensing entity, may disclose or use any information obtained from the State Board of Equalization or the Franchise Tax Board, pursuant to this section, except to inform the public of the denial, refusal to renew, or suspension of a license or the issuance of a temporary license pursuant to this section. The release or other use of information received by a state governmental licensing entity pursuant to this section, except as authorized by this section, is punishable as a misdemeanor. This subdivision may not be interpreted to prevent the State Bar of California from filing a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

(2) A suspension of, or refusal to renew, a license or issuance of a temporary license pursuant to this section does not constitute denial or discipline of a licensee for purposes of any reporting requirements to the National Practitioner Data Bank and shall not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

(3) Upon release from the certified list, the suspension or revocation of the applicant's or licensee's license shall be purged from the state governmental licensing entity's internet website or other publication within three business days. This paragraph shall not apply to the State Bar of California.

(r) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(s) All rights to review afforded by this section to an applicant shall also be afforded to a licensee.

(t) Unless otherwise provided in this section, the policies, practices, and procedures of a state governmental licensing entity with respect to license suspensions under this section shall be the same as those applicable with respect to suspensions pursuant to Section 17520 of the Family Code.

(u) No provision of this section shall be interpreted to allow a court to review and prevent the collection of taxes prior to the payment of those taxes in violation of the California Constitution.

(v) This section shall apply to any licensee whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code on or after July 1, 2012.

SEC. 10. Section 1000 of the Business and Professions Code is amended to read:

1000. (a) The law governing practitioners of chiropractic is found in an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith,” adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the State Board of Chiropractic Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2023.

SEC. 11. Section 1913 of the Business and Professions Code is amended to read:

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of their practice in any setting under the appropriate level of supervision required by this article, if the registered dental hygienist has completed the appropriate education and training required to perform the procedure or provide the service.

SEC. 12. Section 1917 of the Business and Professions Code is amended to read:

1917. The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Within the preceding three years, satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.

(c) Satisfactory completion of the National Board Dental Hygiene Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.

(e) Submission of a completed application form and all fees required by the dental hygiene board.

(f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft-tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

SEC. 13. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (a) The dental hygiene board may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the dental hygiene board, if the applicant submits all of the following to the dental hygiene board:

(1) A completed application form and all fees required by the dental hygiene board.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the dental hygiene board a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the dental hygiene board.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which the applicant is or has been previously issued any professional or vocational license. If the applicant has been subject to disciplinary action, the dental hygiene board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Board Dental Hygiene Examination and of a state clinical examination, regional clinical licensure

examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the dental hygiene board on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene board to the extent that it is required of applicants for licensure by examination under this article.

(b) The dental hygiene board may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a) and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any nonprofit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

SEC. 14. Section 1922 of the Business and Professions Code is amended to read:

1922. The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent, recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education, from a college or institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the

dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Workforce Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

SEC. 15. Section 2065 of the Business and Professions Code is amended to read:

2065. (a) Unless otherwise provided by law, no postgraduate trainee, intern, resident, postdoctoral fellow, or instructor may engage in the practice of medicine, or receive compensation therefor, or offer to engage in the practice of medicine unless they hold a valid, unrevoked, and unsuspended physician's and surgeon's certificate issued by the board. However, a graduate of an approved medical school may engage in the practice of medicine whenever and wherever required as a part of a postgraduate training program under the following conditions:

(1) The medical school graduate has taken and passed the board-approved medical licensing examinations required to qualify the applicant to participate in an approved postgraduate training program.

(2) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, the Educational Commission for Foreign Medical Graduates (ECFMG) has submitted an official ECFMG Certification Status Report directly to the board confirming the graduate is ECFMG certified.

(3) The medical school graduate is enrolled in a postgraduate training program approved by the board.

(4) The board-approved postgraduate training program has submitted the required board-approved form to the board documenting the medical school graduate is enrolled in an approved postgraduate training program.

(5) The medical school graduate obtains a physician's and surgeon's postgraduate training license in accordance with Section 2064.5.

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for

licensure, all privileges and exemptions under this section shall automatically cease.

(d) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 39-month license exemption, except as otherwise allowed under subdivision (h).

(e) A medical school graduate from a medical school approved by the board shall have successfully completed a minimum of 36 months of approved postgraduate training, which includes successful progression through 24 months in the same program, to be eligible for a California physician's and surgeon's certificate.

(f) The program director for an approved postgraduate training program in California shall report to the board, on a form approved by the board, and provide any supporting documents as required by the board, the following actions within 30 days of the action:

(1) A postgraduate trainee is notified that they have received partial or no credit for a period of postgraduate training, and their postgraduate training period is extended.

(2) A postgraduate trainee takes a leave of absence or any break from their postgraduate training, and they are notified that their postgraduate training period is extended.

(3) A postgraduate trainee is terminated from the postgraduate training program.

(4) A postgraduate trainee resigns, dies, or otherwise leaves the postgraduate training program.

(5) A postgraduate trainee has completed a one-year contract approved by the postgraduate training program.

(g) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 39 months to a postgraduate training licensee to successfully complete the 36 months of required approved postgraduate training.

(h) An applicant for a physician's and surgeon's license who has successfully completed 36 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California shall obtain their physician's and surgeon's license within 90 days after beginning that postgraduate training program or all privileges and exemptions under this section shall automatically cease.

(i) This section shall become operative on January 1, 2020.

SEC. 16. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of their duties as approved by the board in connection with the faculty position. A certificate of registration

does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that they have been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under their direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of their duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's department chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the school's medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school department chair or division chief.

(4) Demonstration by the dean of the medical school that the applicant has the requisite qualifications to assume the position to which they are to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, and no person shall be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, they shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless they are issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) This section shall become operative on January 1, 2020.

SEC. 16.5. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school, or dean or chief medical officer of an academic medical center, in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of that person's duties as approved by the board in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that the applicant has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under the head of the department's direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of the applicant's duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's or academic medical center's chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the sponsoring medical school or academic medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school or academic medical center's department chair or division chief.

(4) Demonstration by the dean of the medical school, or dean or chief medical officer or an academic medical center, that the applicant has the requisite qualifications to assume the position to which the applicant is to be appointed and that shall include a written statement of the recruitment

procedures followed by the medical school or academic medical center before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, or academic medical center, and a person shall not be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school, or the dean or chief medical officer of an academic medical center, may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, the registrant shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless the registrant is issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and

surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) A registrant granted a certificate of registration before January 1, 2021, to engage in the practice of medicine pursuant to this section at an academic medical center shall be deemed to be authorized at that academic medical center as though the initial application had been sponsored by the academic medical center.

(j) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

SEC. 17. Section 2135.5 of the Business and Professions Code is amended to read:

2135.5. Upon review and recommendation, the board may determine that an applicant for a physician's and surgeon's certificate has satisfied the medical education requirements of Sections 2084 and 2135 and the examination requirements of Section 2170 if the applicant meets all of the following criteria:

(a) They hold an unlimited and unrestricted license as a physician and surgeon in another state and has held that license continuously for a minimum of four years prior to the date of application.

(b) They meet the postgraduate training requirements in Section 2096 and are certified by a specialty board that is a member board of the American Board of Medical Specialties.

(c) They are not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(d) They have not been the subject of a disciplinary action by a medical licensing authority or of an adverse judgment or settlement resulting from the practice of medicine that, as determined by the board, constitutes a pattern of negligence or incompetence.

(e) This section shall become operative on January 1, 2020.

SEC. 18. Section 2460 of the Business and Professions Code is amended to read:

2460. (a) There is created in the Department of Consumer Affairs the California Board of Podiatric Medicine. Commencing July 1, 2019, the California Board of Podiatric Medicine is renamed the Podiatric Medical Board of California. Any reference in any provision of law to the California

Board of Podiatric Medicine shall, commencing July 1, 2019, be deemed to refer to the Podiatric Medical Board of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.

(c) The amendments made by Chapter 775 of the Statutes of 2017 relating to podiatrists shall not be construed to change any rights or privileges held by podiatrists prior to the enactment of that act.

SEC. 19. Section 2531 of the Business and Professions Code is amended to read:

2531. (a) There is in the Department of Consumer Affairs the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the enforcement and administration of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 20. Section 2531.75 of the Business and Professions Code is amended to read:

2531.75. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 21. Section 2570.19 of the Business and Professions Code is amended to read:

2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be

appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with 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).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(l) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 22. Section 2602 of the Business and Professions Code is amended to read:

2602. (a) The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 23. Section 2607.5 of the Business and Professions Code is amended to read:

2607.5. (a) The board may employ an executive officer exempt from the provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and may also employ investigators, legal counsel, physical therapist consultants, and other assistance as it may deem necessary to carry out this chapter. The board may fix the compensation to be paid for services and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating physical therapy practice activities.

(b) The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and their services shall be a charge against it.

(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 24. Section 2841 of the Business and Professions Code is amended to read:

2841. (a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, which consists of 11 members.

(b) Within the meaning of this chapter, “board,” or “the board,” refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 25. Section 2847.1 of the Business and Professions Code is amended to read:

2847.1. (a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties. The executive officer shall not be a member of the board.

(b) With the approval of the Director of Finance, the board shall fix the salary of the executive officer.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties. The executive officer shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(d) Commencing January 1, 2018, the executive officer appointed by the board pursuant to subdivision (a) is abolished. Thereafter, until January 1,

2022, the executive officer shall be appointed as set forth in Section 2847.3. Commencing January 1, 2022, the executive officer shall, again, be appointed by the board as set forth in subdivision (a).

(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 26. Section 2847.3 of the Business and Professions Code is amended to read:

2847.3. (a) Commencing January 1, 2018, the executive officer position established pursuant to subdivision (a) of Section 2847.1 is temporarily abolished. Commencing January 1, 2018, the Governor shall appoint an executive officer who shall perform duties as are delegated by the board and who shall be responsible for the accomplishment of those duties. The executive officer shall exercise all powers, discharge all responsibilities, and administer and enforce all laws pursuant to this chapter and Chapter 10 (commencing with Section 4500) of Division 2 that are necessary to perform the duties delegated by the board.

(b) The executive officer shall serve at the pleasure of the Governor and the Governor shall fix the salary of the executive officer. The executive officer shall not be a member of the board.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties.

(d) This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 27. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 28. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 29. Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Board within the jurisdiction of the Medical Board of California. The board consists of nine members. This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 30. Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out this chapter including an executive officer who shall be exempt from civil service. The Medical Board of California and board shall make all necessary expenditures to carry out this chapter from the funds established by Section 3520. The board may accept contributions to effect the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 31. Section 3686 of the Business and Professions Code is amended to read:

3686. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 32. Section 3710 of the Business and Professions Code is amended to read:

3710. (a) The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 33. Section 3716 of the Business and Professions Code is amended to read:

3716. (a) The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 34. Section 4001 of the Business and Professions Code is amended to read:

4001. (a) There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of 13 members.

(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall

not be a licensee of the board, any other board under this division, or any board referred to in Section 1000 or 3600.

(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a “chain community pharmacy” means a chain of 75 or more stores in California under the same ownership, and an “independent community pharmacy” means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of their successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 35. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of Finance. The executive officer shall also be entitled to travel and other expenses necessary in the performance of their duties.

(c) The executive officer shall maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons subject to this chapter.

(d) The executive officer shall give receipts for all money received by them and pay it to the department, taking its receipt therefor. Besides the duties required by this chapter, the executive officer shall perform other duties pertaining to the office as may be required of them by the board.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

Attachment 2

Regulation Timeline

IV. Board Adopted Regulations Approved by the Office of Administrative Law

- a. Proposed Regulations to Add Title 16 CCR Section 1714.3 Related to Community Pharmacy Staffing

Timeline:

Approved by Board: July 25, 2019

Submitted to DCA for Pre-Notice Review: August 26, 2019

Formal DCA Pre-Notice Review began: December 13, 2019

45-Day Comment Period: February 28, 2020 to April 30, 2020

Adopted by the Board: May 7, 2020

Submitted to DCA for Formal Review: May 14, 2020

Submitted to OAL for Final Review: June 5, 2020

Approved by OAL: September 15, 2020 (Immediately Effective)

**Community Pharmacy
Staffing
16 CCR § 1714.3**

**Title 16. Board of Pharmacy
Proposed Regulation**

Add section 1714.3 to Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

Section 1714.3. Community Pharmacy Staffing

This section applies to a community pharmacy that is required to comply with Business and Professions Code section 4113.5.

- (a) When a pharmacy is open to the public and a pharmacist is working without another pharmacy employee, the pharmacy must make another person available to assist a pharmacist. The pharmacy must:
- (1) Designate the names of one or more persons who will be available to assist the pharmacist;
 - (2) Determine that each designated person is able, at a minimum, to perform the duties of non-licensed pharmacy personnel as specified in section 1793.3;
 - (3) Determine that each designated person qualifies to access to controlled substances by conducting a background check on each person that is consistent with federal requirements for pharmacy employees with such access;
 - (4) Ensure that a designated person responds and is able to assist the pharmacist within five minutes after the pharmacist's request.
- (b) A pharmacy must have and maintain policies and procedures that addresses the following:
- (1) The required criteria and training for a designated person, which shall be consistent with subdivision (a).
 - (2) The process for the pharmacist to request assistance and to document the response time between the request and arrival of the designated person at the pharmacy.
 - (3) All impacted pharmacy employees and designated persons must read and sign a copy of the policies and procedures required by this section.
- (c) The pharmacy must maintain the policies and procedures in the pharmacy premises in a readily retrievable format.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4005, 4007, 4029, 4036, 4037, 4056, 4110, and 4113.5, Business and Professions Code.

Attachment 3

Regulation Timeline

V. Discussion and Consideration of Board Adopted Regulations Undergoing Final Review by the Office of Administrative Law

- a. Proposed Regulations to Amend Title 16 CCR Sections 1769 and 1770 Related to Criminal Conviction Substantial Relationship and Rehabilitation Criteria

Timeline:

Approved by Board: May 6, 2019

Submitted to DCA for Pre-Notice Review: May 31, 2019

Formal DCA Pre-Notice Review began: December 5, 2020

45-Day Comment Period: March 13, 2019 to April 27, 2019

Adopted by the Board: May 7, 2019

Submitted to OAL for Final Review: July 17, 2020

OAL decision due by August 28, 2020 (Extended to October 27, 2020)

(Pursuant to Governor Newsom's executive order, OAL's review may be extended in 60-day increments; however, only two 60-day extensions are permitted)

- b. Proposed Regulations to Amend Title 16 CCR Sections 1702, 1702.1, 1702.2, and 1702.5 Related to Renewal Requirements

Timeline:

Approved by Board: May 2, 2018

Submitted to DCA for Pre-Notice Review: July 12, 2018

Returned to the board: September 6, 2018

Re-submitted to DCA for Pre-Notice Review: September 18, 2018

Returned to the board: September 28, 2018

Re-submitted to DCA for Pre-Notice Review: October 4, 2018

Formal DCA Pre-Notice Review began: October 16, 2018

Returned to the Board on: July 23, 2019

Re-submitted to DCA for Formal Pre-Notice Review: December 18, 2019

45-Day Comment Period: February 7, 2020 to March 23, 2020

Adopted by the Board: May 7, 2020

Submitted to OAL for Final Review: September 21, 2020

OAL decision due by November 2, 2020

(Pursuant to Governor Newsom's executive order, OAL's review may be extended in 60-day increments; however, only two 60-day extensions are permitted)

**Criminal Conviction
Substantial
Relationship and
Rehabilitation Criteria
16 CCR §§
1769 and 1770**

**Title 16. Board of Pharmacy
Proposed Regulation**

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

Amend section 1769 of Article 8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

(a) In addition to any other requirements for licensure, when considering the approval of an application, the board or its designee may require an applicant to be examined by one or more physicians and surgeons or psychologists designated by the board if it appears that the applicant may be unable to safely practice due to mental illness or physical illness affecting competency. An applicant's failure to comply with the examination requirement shall render his or her application incomplete. The board shall pay the full cost of such examination. The board shall seek that the evaluation be conducted within 60 days of the date the applicant is advised that an examination is required. The board shall receive the examiner's evaluation within 60 days of the date the examination is completed. The report of the examiner shall be made available to the applicant.

If after receiving the report of the evaluation, the board determines that the applicant is unable to safely practice, the board may deny the application.

(b) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code on the grounds that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:~~the board, in evaluating the rehabilitation of the applicant and his present eligibility for licensing or registration, will consider the following criteria:~~

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(c) If subdivision (b) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the

applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and severity of the act(s) or ~~offense(s)~~crimes(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subdivision (b)(1)-(5), as applicable.

~~(5)~~(6) Evidence, if any, of rehabilitation submitted by the applicant.

~~(e)~~(d) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 4005, Business and Professions Code. Reference: Sections 480, 481, 482, 488, 493, 4030, 4200 and 4400, Business and Professions Code.

Amend section 1770 of Article 8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

- (a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by ~~his~~the license or registration in a manner consistent with the public health, safety, or welfare.
- (b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:
- (1) The nature and gravity of the offense;
 - (2) The number of years elapsed since the date of the offense; and
 - (3) The nature and duties of the profession or occupation the person may perform with the license type sought or held.
- (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:
- (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.
 - (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.
 - (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.
 - (4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.
 - (5) Involve a conviction for driving under the influence of drugs or alcohol.

Note: Authority cited: Sections 481, 493, and 4005, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 493, 4300, 4301, 4301.5, and 4309, Business and Professions Code.

**Renewal
Requirements
16 CCR §§ 1702,
1702.1, 1702.2, 1702.5**

Title 16. Board of Pharmacy Proposed Text

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

Amend section 1702 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. Pharmacist Renewal Requirements.

- (a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date.
- (1) A pharmacist ~~s~~ shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.
- (2) A pharmacist applicant for renewal shall pay the actual cost of compliance with subdivision (a).
- (3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).
- (4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).
- (b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.
- (c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation or public reprimand or reproof.
- (d) As a condition of renewal, a pharmacist applicant shall disclose whether he or she has complied with any continuing education requirements to renew his or her pharmacist or advanced pharmacist license as required by section 1732.2.
- (e) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4036, 4200.5, 4207, 4231, 4300, 4301, 4301.5, 4311 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Amend section 1702.1 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702.1. Pharmacy Technician Renewal Requirements for Individual Licensees Other Than Pharmacists.

This section applies to the renewal of any license held by an individual other than a license as a pharmacist or an advanced practice pharmacist.

- (a) An individual licensee ~~pharmacy technician applicant~~ for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after January 1, 2018.
- (1) The individual ~~A pharmacy technician~~ shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.
 - (2) The individual ~~A pharmacy technician~~ applicant for renewal shall pay the actual cost of compliance with subdivision (a).
 - (3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).
 - (4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).
- (b) As a condition of renewal, ~~a pharmacy technician applicant~~ the individual shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.
- (c) As a condition of renewal, ~~a pharmacy technician applicant~~ the individual shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty against the license or certification such as revocation, suspension, probation or public reprimand or reproval.
- (d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license until the licensee demonstrates compliance with all requirements.

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4022.5, 4022.6, 4022.7, 4038, 4115, 4202, 4207, 4300, 4301 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Repeal section 1702.2 in Article 1 of Division 17 of Title 16 of the California Code of Regulations.

~~1702.2. Designated Representative Renewal Requirements.~~

- ~~(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after January 1, 2018.~~
- ~~(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.~~
- ~~(2) A designated representative applicant for renewal shall pay the actual cost of compliance with subdivision (a).~~
- ~~(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).~~
- ~~(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).~~
- ~~(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.~~
- ~~(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty against the license or certification such as revocation, suspension, probation or public reprimand or reproof.~~
- ~~(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license until the licensee demonstrates compliance with all requirements.~~

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4022.5, 4022.7, 4053, 4207, 4300, 4301 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Attachment 4

Regulation Timeline

VI. Discussion and Consideration of Board Adopted Regulations Undergoing Formal Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

- a. Proposed Regulations to Amend Title 16 CCR Section 1707 Related to Offsite Storage

Timeline:

Approved by Board: January 24, 2017

Submitted to DCA for Pre-Notice Review: April 27, 2017

Returned to the board: January 18, 2018

Re-submitted to DCA for Pre-Notice Review: June 25, 2018

Returned to the board: July 3, 2018

Re-submitted to DCA for Pre-Notice Review: July 13, 2018

Formal DCA Pre-Notice Review began: August 20, 2018

Returned to the board: March 19, 2019

Re-submitted to DCA for Formal Pre-Notice Review: April 9, 2019

45-Day Comment Period: February 7, 2020 to March 23, 2020

15-Day Comment Period: May 19, 2020 to June 3, 2020 (No Negative Comments)

Adopted by the EO per Delegation: May 7, 2020

Submitted to DCA for Formal Review: June 3, 2020

Offsite Storage

16 CCR § 1707

**Title 16. Board of Pharmacy
Order of Adoption**

Proposal to Amend § 1707 in Article 2 of Division 17 of Title 16 of the California Code of Regulations to read:

§ 1707. Waiver Requirements for Off-Site Storage of Records

- (a) Pursuant to subdivision (e) of Section 4105 of the Business and Professions Code and subdivision (c) of Section 4333 of the Business and Professions Code, a waiver ~~shall~~ may, on a case-by-case basis, be granted to any entity licensed by the board for ~~off-site~~ storage of the records outside the licensed area of the pharmacy described in subdivisions (a), (b) and (c) of Section 4105 of the Business and Professions Code ~~unless the applicant has, within the preceding five years, failed to produce records pursuant to Section 4081 of the Business and Professions Code or has falsified records covered by Section 4081 of the Business and Professions Code.~~ The board may consider space limitations within the pharmacy, cost, previous compliance with records requirements, ease of access to records stored outside of the licensed area, and any other factor presented by the licensee in making its determination.
- (b) An entity that is granted a waiver pursuant to subdivision (a) shall:
- (1) maintain the storage area so that the records are secure, including from unauthorized access; and
 - (2) be able to produce the records within two business days upon the request of the board or an authorized officer of the law.
- (c) In the event that a licensee fails to comply with the conditions set forth in subdivision (b), the board may cancel the waiver without a hearing. Upon notification by the board of cancellation of the waiver, the licensee shall maintain all records at the licensed premises.
- (d) A licensee whose waiver has been cancelled pursuant to the provisions set forth in subsection (c) may reapply to the board when compliance with the conditions set forth in subsection (b) can be confirmed by the board.
- (e) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription records for non controlled substances shall be maintained on the licensed premises for a period of one year from the date of dispensing.
- (f) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription records for controlled substances shall be maintained on the licensed premises for a period of two years from the date of dispensing.
- (g) Notwithstanding the requirements of this section, any entity licensed by the board may store the records described in subdivisions (a), (b) and (c) of Section 4105 of the Business and Professions Code in a storage area at the same address or adjoining the licensed premises without obtaining a waiver from the board if the following conditions are met:
- (1) The records are readily accessible to the pharmacist-in-charge (or other pharmacist on duty, or designated representative) and upon request to the board or any authorized officer of the law.
 - (2) The storage area is maintained so that the records are secure and so that the confidentiality of any patient-related information is maintained.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4081, 4105 and 4333, Business and Professions Code.

Attachment 5

Regulation Timelines

VII. Discussion and Consideration of Board Adopted Regulations – Staff Drafting Final Rulemaking Documents for Final Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency

- a. Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 et seq., Related to Dangerous Drug Distributors and Third-Party Logistics Providers

Timeline:

Approved by board: October 26, 2016

Submitted to DCA for Pre-Notice Review: February 9, 2017

Returned to the board on: February 28, 2017

Re-submitted to DCA for Pre-Notice Review: October 25, 2017

Returned to the board on: March 26, 2018

Re-submitted to DCA for Pre-Notice Review: June 28, 2018

Returned to the board on: August 28, 2018

Re-submitted to DCA for Pre-Notice Review: September 6, 2018

Returned to the board on: October 30, 2018

Re-submitted to DCA for Pre-Notice Review: December 20, 2018

Under review by DCA Budget Office: December 13, 2019

Submitted to DCA for Formal Review: December 13, 2019

45-Day Comment Period: May 29, 2020 to July 13, 2020

Adopted by Board: July 27, 2020

**Third-Party Logistics
Providers and
Dangerous Drug
Distributors
16 CCR §§ 1780-1783**

Title 16. Board of Pharmacy

Proposed Language

To Amend Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

Article 10. ~~Wholesalers~~ Dangerous Drug Distributors

To Amend Section 1780 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1780. Minimum Standards for Wholesalers and Third-Party Logistics Providers.

The following minimum standards shall apply to all wholesale and third-party logistics provider establishments for which permits have been issued by the Board:

- (a) A wholesaler and a third-party logistics provider shall store dangerous drugs in a secured and lockable area.
- (b) All wholesaler and third-party logistics provider premises, fixtures and equipment therein shall be maintained in a clean and orderly condition. Wholesale and third-party logistics provider premises shall be well ventilated, free from rodents and insects, and adequately lighted. Plumbing shall be in good repair. Temperature and humidity monitoring shall be conducted to assure compliance with the standards set forth in the latest edition of the United States Pharmacopeia-~~Standards (1990, 22nd Revision)~~.
- (c) Entry into areas where prescription drugs are held shall be limited to authorized personnel.
 - (1) All facilities shall be equipped with an alarm system to detect entry after hours.
 - (2) All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.
 - (3) The outside perimeter of the ~~wholesaler~~ premises shall be well-lighted.
- (d) All materials must be examined upon receipt and ~~or~~ before shipment.
 - (1) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.
 - (2) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.
- (e) The following procedures must be followed for handling returned, damaged and outdated prescription drugs.
 - (1) Prescription drugs that are outdated, damaged, deteriorated, misbranded or adulterated shall be placed in a quarantine area and physically separated from other drugs until they are destroyed or returned to their supplier.
 - (2) Any prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be placed in a quarantine area and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

- (3) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality or purity, the drug shall be destroyed or returned to the supplier unless testing or other investigation proves that the drug meets the standards set forth in the latest edition of the appropriate United States Pharmacopeia-Standards (1990, 22nd Revision).
- (f) Policies and procedures must be written and made available upon request by the board.
- (1) Each ~~W~~ wholesaler and third-party logistics provider ~~drug distributors~~ shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, for correcting all errors and inaccuracies in inventories, and for maintaining records to document proper storage.
 - (2) The records required by paragraph (1) shall be in accordance with Title 21, Code of Federal Regulations, Section 205.50(g). These records shall be maintained for three years after disposition of the drugs.
 - (3) Each ~~W~~ wholesaler and third-party logistics provider ~~drug distributors~~ shall establish and maintain lists of officers, directors, managers and other persons in charge of ~~wholesale~~ drug distribution, storage and handling, including a description of their duties and a summary of their qualifications.
 - (4) Each wholesaler and third-party logistics provider shall provide adequate training and experience to assure compliance with licensing requirements by all personnel.
- (g) The board shall require an applicant for a licensed premise or for renewal of that license to certify that it meets the requirements of this section at the time of licensure or renewal.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4025, 4043, 4045, 4051, 4053, 4053.1, 4054, 4059, 4120, 4160, 4161, 4161.5 and 4304, and 4342 of the Business and Professions Code; Sections 109985 and 111280 of the Health and Safety Code; Section 321 of Title 21, U.S. Code; and Section 205.50 of Title 21, Code of Federal Regulations.

To Amend Section 1781 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1781. ~~Exemption Certificate~~ Pharmacist or Designated Representative on Premises and In Control.

- (a) A registered pharmacist, or a designated representative certified in accordance with Section 4053 ~~or 4054~~ of the Business and Professions Code, shall be present and in control of a manufacturer's, or wholesaler's licensed premises during the conduct of business.
- (b) A designated representative – 3PL certified in accordance with Section 4053.1 of the Business and Professions Code, shall be present and in control of a third-party logistics provider's licensed premises during the conduct of business.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4022.5, 4022.7, 4053, 4053.1, 4160, and 4161 ~~4054~~, Business and Professions Code.

To Amend Section 1782 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1782. Reporting Sales of Drugs Subject to Abuse.

~~All~~ Each manufacturer, and wholesaler, and third-party logistics provider shall report to the Board or its designee, up to twelve (12) times a year, all sales of dangerous drugs subject to abuse as designated by the Board for reporting, in excess of amounts to be determined by the Board from time to time. Reports shall be made within thirty (30) days of the request in the form specified by the Board.

Note: Authority cited: Section 4005, Business and Professions Code; ~~and Section 26692, Health and Safety Code.~~ Reference: Sections 4053.1, 4081, 4164, 4165, and 4332, Business and Professions Code; ~~and Section 26692, Health and Safety Code.~~

To Amend Section 1786 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1783. Manufacturer, ~~or Wholesaler,~~ or Third-Party Logistics Provider Furnishing Drugs and Devices.

- (a) A manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall furnish dangerous drugs or devices only to an authorized person; prior to furnishing dangerous drugs and devices to a person not known to the furnisher, the manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall contact the board or, if the person is licensed or registered by another government entity, that entity, to confirm the recipient is an authorized person.
- (b) “Authorized person” means a person to whom the board has issued a permit which enables the permit holder to purchase dangerous drugs or devices for use within the scope of its permit. “Authorized person” also means any person in this state or in another jurisdiction within the United States to the extent such furnishing is authorized by the law of this state, any applicable federal law, and the law of the jurisdiction in which that person is located. The manufacturer, ~~or wholesaler,~~ or third-party logistics provider furnishing to such person shall, prior to furnishing the dangerous drugs and devices, establish the intended recipient is legally authorized to receive the dangerous drugs or devices.
- (c) Dangerous drugs or devices furnished by a manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall be delivered only to the premises listed on the permit; provided that a manufacturer, ~~or wholesaler,~~ or third-party logistics provider may furnish drugs to an authorized person or an agent of that person at the premises of the manufacturer, ~~or wholesaler,~~ or third-party logistics provider if (1) the identity and authorization of the recipient is properly established and (2) this method of receipt is employed only to meet the immediate needs of a particular patient of the authorized person. Dangerous drugs or devices may be furnished to a hospital pharmacy receiving area provided that a pharmacist or authorized receiving personnel signs, at the time of delivery, a receipt showing the type and quantity of the dangerous drugs or devices so received. Any discrepancy between the receipt and the type and quantity of dangerous drugs and devices actually received shall be reported to the delivering manufacturer, ~~or wholesaler,~~ or third-party logistics provider by the next business day after the delivery to the pharmacy receiving area.
- (d) A manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall not accept payment for or allow the use of an entity’s credit to establish an account for the purchase of dangerous

drugs or devices from any person other than: (1) the owner(s) of record, chief executive officer, or chief financial officer listed on the ~~p~~ermit for the authorized person; and (2) on an account bearing the name of the permittee.

- (e) All records of dangerous drugs or devices furnished by a manufacturer, ~~or~~ wholesaler, or third-party logistics provider to an authorized person shall be preserved by the authorized person for at least three years from the date of making and shall, at all times during business hours, be open to inspection by authorized officers of the law at the licensed premises. The manufacturer, ~~or~~ wholesaler, or third-party logistics provider shall also maintain all records of dangerous drugs or devices furnished pursuant to this section for at least three years from the date of making and shall, at all times during business hours, keep them open to inspection by authorized officers of the law at the premises from which the dangerous drugs or devices were furnished.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4025, 4043, 4053.1, 4059, 4059.5, 4080, 4081, 4105, 4120, 4160, 4161, 4163, 4165 and 4304, Business and Professions Code; and Section 11209, Health and Safety Code.

Attachment 6

Regulation Timeline

VIII. Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

- Regulations under Pre-Notice review by DCA Legal or DCA Budget Office
 - a. Proposed Regulations to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14
Timeline:
Approved by Board: November 8, 2017
Submitted to DCA for Pre-Notice Review: February 2, 2018
Returned to the Board on: April 17, 2018
Re-submitted to DCA for Pre-Notice Review: July 23, 2018
Returned to the Board on: November 13, 2018
Re-submitted to DCA for Pre-Notice Review: December 24, 2018
 - b. Proposed Regulations to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26
Timeline:
Approved by Board: November 8, 2017
Submitted to DCA for Pre-Notice Review: December 26, 2018
 - c. Proposed Permanent Regulation to Add Title 16 CCR Section 1747 Related to Independent HIV Preexposure and Postexposure Prophylaxis Furnishing
Timeline:
Approved by Board: January 29, 2020
Submitted to DCA for Pre-Notice Review: February 7, 2020
 - d. Proposed Regulation to Amend Title 16 CCR Section 1715.65 Related to Inventory Reconciliation
Timeline:
Approved by Board: January 29, 2020
Submitted to DCA for Pre-Notice Review: May 11, 2020
 - e. Proposed Regulation to Amend Title 16 CCR Section 1715.6 Related to Drug Losses
Timeline:
Approved by Board: January 29, 2020
Submitted to DCA for Pre-Notice Review: June 3, 2020

Self-Assessment Forms

16 CCR § 1715

17M – 13

17M – 14

**Title 16. Board of Pharmacy
Proposed Regulation**

Proposal to amend §1715 of Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1715. Self-Assessment of a Pharmacy by the Pharmacist-in-Charge.

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

- (1) A new pharmacy permit has been issued, or
- (2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.
- (3) There is a change in the licensed location of a pharmacy to a new address.

(c) A pharmacist-in-charge of a community pharmacy shall use the the components of this assessment shall be on Form 17M-13 (Rev. 10/14 16) entitled "Community Pharmacy Self-Assessment/Hospital Outpatient Pharmacy Self-Assessment." Form 17M-13 shall be used for all pharmacies serving retail or outpatient consumers. A pharmacist-in-charge of a hospital pharmacy serving inpatient consumers, shall use the components of this assessment and on Form 17M-14 (Rev. 10/14 16) entitled "Hospital Pharmacy Self-Assessment." ~~which are Both forms are~~ hereby incorporated by reference ~~to evaluate compliance with federal and state laws and regulations.~~

(1) The pharmacist-in-charge shall provide identifying information about the pharmacy including

(A) Name and license number of the pharmacy

(B) Address, phone number, and website address, if applicable, of the pharmacy

(C) DEA registration number, expiration date and date of most recent DEA inventory

(D) Hours of operation of the pharmacy

(2) The pharmacist-in-charge shall list the name of each licensed staff person working in the pharmacy, the person's license type and number, and the expiration date for each license.

(3) The pharmacist-in-charge shall respond "yes", "no" or "not applicable" (N/A) about whether the pharmacy is, at the time of the self-assessment, in compliance with each of the requirements that apply to that pharmacy setting.

(4) For each "no" response, the pharmacist-in-charge shall provide a written corrective action or action plan to come into compliance with the law.

(5) The pharmacist-in-charge shall initial each page of the self-assessment form.

(6) The pharmacist-in-charge shall provide a certification on the final page of the self-assessment that affirms he or she has completed the self-assessment of the pharmacy of which he or she is the pharmacist-in-charge. The certification shall also provide a timeframe within which any deficiency identified within the self-assessment will be corrected and that all responses are subject to verification by the Board of Pharmacy. The certification shall be made under penalty of perjury of the laws of the State of California that the information provided in the self-assessment form is true and correct.

(7) The pharmacy owner or hospital administrator shall provide a certification on the final page of the self-assessment that affirms that he or she has read and reviewed the completed self-assessment and that failure to correct any deficiency identified in the self-assessment could result in the revocation of the pharmacy's license issued by the board. This certification shall be made under penalty of perjury of the laws of the State of California.

(d) Each self-assessment shall be completed in its entirety and kept on file in the pharmacy for three years after it is performed.

(e) Any identified areas of noncompliance shall be corrected as specified in the certification.

Note: Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference:
Sections 4019, 4021, 4022, 4029, 4030, 4036, 4037, 4038, 4040, 4050, 4051, 4052, 4059, 4070,
4081, 4101, 4105, 4110, 4113, 4115, 4119, 4120, 4127, 4201, 4301, 4305, 4330, 4332 and 4333,
Business and Professions Code.

Self-Assessment Form

**16 CCR § 1784
17M – 26**

Proposal to Amend 16 CCR Amend § 1784

§ 1784. Self-Assessment of a Wholesaler/Third Party Logistics Provider by the Designated Representative-In- Charge or Responsible Manager.

(a) ~~The designated representative-in-charge of~~ Each wholesaler and third-party logistics provider, as defined under section 4160 of the Business and Professions Code, shall complete a self-assessment of ~~the wholesaler's~~ its compliance with federal and state pharmacy law. The assessment shall be performed by the designated representative-in-charge of the wholesaler, or by the responsible manager of the third-party logistics provider, before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the designated representative-in-charge or responsible manager shall complete a self-assessment within 30 days whenever:

(1) A new ~~wholesaler permit~~ license is issued, ~~or~~

(2) There is a change in the designated representative-in-charge or responsible manager.

The new designated representative-in-charge of a wholesaler or responsible manager of a third-party logistics provider is responsible for compliance with this subdivision.

(3) There is a change in the licensed location of a wholesaler or third-party logistics provider to a new address.

(c) ~~The components of this assessment shall be on Form 17M-26 (Rev. 10/14) entitled "Wholesaler Dangerous Drugs & Dangerous Devices Self Assessment" which is hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.~~ Each wholesaler and third-party logistics provider conducting business in California, through its designated representative-in-charge or responsible manager, shall complete "Wholesaler/Third Party Logistics Provider Self-Assessment," Form 17M-26 (Rev. 10/17) which is hereby incorporated by reference. The form shall include the information required by this section.

(1) The designated representative-in-charge or responsible manager shall provide identifying information about the wholesaler or third-party logistics provider including:

(A) Name and license number of the premises;

(B) Address, phone number, website address, if applicable, and type of ownership;

(C) DEA registration number and expiration date and date of most recent DEA;
inventory;

(D) Verified-Accredited Wholesale Distributor accreditation number and expiration date,
if applicable; and

(E) Hours of operation of the licensee.

(2) The designated representative-in-charge or responsible manager shall list the name of
each Board-licensed staff person currently employed by the licensee in the facility at the
time the self-assessment is completed, the person's license type and number, and the
expiration date for each license.

(3) The designated representative-in-charge or responsible manager shall respond "yes",
"no" or "not applicable" (N/A) about whether the licensed premises is, at the time of the
self-assessment, in compliance with each of the requirements.

(4) For each "no" response, the designated representative-in-charge or responsible
manager shall provide a corrective action or action plan to come into compliance with the
law.

(5) The designated representative-in-charge or responsible manager shall initial each page
of the self-assessment form.

(6) The designated representative-in-charge or responsible manager shall certify, under
penalty of perjury, on the final page of the self-assessment that:

(A) He or she has completed the self-assessment of the licensed premises for which he
or she is responsible;

(B) Any deficiency identified within the self-assessment will be corrected and the
timeframe for correction;

(C) He or she understands that all responses are subject to verification by the Board of
Pharmacy; and

(D) The information provided in the self-assessment form is true and correct.

(7) The licensed premises owner, partner or corporate officer shall certify on the final page
of the self-assessment that he or she has read and reviewed the completed self-assessment
and understands that failure to correct any deficiency identified in the self-assessment

could result in the revocation of the license issued by the board. This certification shall be made under penalty of perjury of the laws of the State of California.

(d) Each self-assessment shall be kept on file in the licensed ~~wholesale~~ premises for three years after it is completed.

(e) The wholesaler or third-party logistics provider is jointly responsible with the designated representative-in-charge or responsible manager, respectively, for compliance with this section.

(f) Any identified areas of noncompliance shall be corrected as specified in the certification.

Authority: Business and Professions Code §4005. Reference: Business and Professions Code §4022.5, §4043, §4053, §4044.5, §4045, §4059, §4120, §4160, §4161, §4201, §4301 and §4305.5.

**Independent HIV
Preexposure and
Postexposure
Prophylaxis
Furnishing
16 CCR § 1747
(Permanent)**

**Title 16. Board of Pharmacy
Proposed Text**

Changes to the adopted emergency regulation text are as follows: underline for added text and ~~strikethrough~~ for deleted text.

Proposal to Add Section 1747 to Title 16 of the California Code of Regulations, to read as follows:

§ 1747. Independent HIV Preexposure and Postexposure Prophylaxis Furnishing.

(a) Prior to independently initiating and furnishing HIV preexposure and/or postexposure prophylaxis to a patient pursuant to Business and Professions Code sections 4052.02 and 4052.03, a pharmacist shall successfully complete a training program approved by the board, ~~or provided by a provider accredited by an approved accreditation agency,~~ or as part of an equivalent curriculum-based training program completed from a recognized school of pharmacy. The training program shall satisfy the following criteria:

- (1) Each training program shall be specific to the use of HIV preexposure and postexposure prophylaxis, and include at least 1.5 hours of instruction covering, at a minimum, the following areas:
 - (A) HIV preexposure and postexposure prophylaxis pharmacology.
 - (B) Requirements for independently initiating and furnishing HIV preexposure and postexposure prophylaxis contained in Business and Professions Code sections 4052.02 and 4052.03.
 - (C) Patient counseling information and appropriate counseling techniques, including at least, counseling on sexually transmitted diseases and sexual health.
 - (D) Patient referral resources and supplemental resources for pharmacists.
 - (E) Financial assistance programs for preexposure and postexposure prophylaxis, including the Office of AIDS' PrEP Assistance Program (PrEP-AP).
 - (F) Clinical eligibility recommendations provided in the federal Centers for Disease Control and Prevention (CDC) guidelines defined in Business and Professions Code sections 4052.02(c) and 4052.03(c).
- (2) The training program shall require the passing of an assessment based on the criteria of (a)(1) with a score of 70% or higher to receive documentation of successful completion of the training program.

(b) A pharmacist who independently initiates or furnishes HIV preexposure and/or postexposure prophylaxis pursuant to Business and Professions Code sections 4052.02 and 4052.03 shall maintain documentation of their successful completion of the training program for a period of four (4) years. Training obtained as part of an equivalent curriculum-based training program, as identified in (a), can be documented by written certification from the registrar or training

director of the educational institution or program from which the licensee graduated stating that the training is included within the institution's curriculum required for graduation at the time the pharmacist graduated, or within the coursework that was completed by the pharmacist. Documentation maintained pursuant to this subdivision must be made available upon request of the board.

Note: Authority cited: Sections 4005, 4052.02, and 4052.03, Business and Professions Code. Reference: Sections 4052, 4052.02, and 4052.03, Business and Professions Code; Section 120972, Health and Safety Code.

**Inventory
Reconciliation
16 CCR § 1715.65**

**Title 16. Board of Pharmacy
Proposed Text**

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

Amend Section 1715.65 to Title 16 of the California Code of Regulations, to read as follows:

§ 1715.65. Inventory Activities and Inventory Reconciliation Reports of Controlled Substances.

- (a) Every pharmacy, and every clinic licensed under sections 4180 or 4190 of the Business and Professions Code, shall perform periodic inventory activities and prepare inventory reconciliation ~~functions~~ reports to detect and prevent the loss of federal controlled substances. Except as provided in subdivisions (f) and (g), inventory reconciliation reports shall be prepared on the following ongoing basis:
- (1) For federal Schedule II controlled substances, at least once every three months.
- (2) For products containing the following substances in the following strengths per tablet, capsule, other unit, or specified volume, at least once every 12 months:
- (A) Alprazolam, 1 milligram/unit.
- (B) Alprazolam, 2 milligrams/unit.
- (C) Tramadol, 50 milligrams/unit.
- (D) Promethazine/codeine, 6.25 milligrams of promethazine and 10 milligrams of codeine per 5 milliliters of product.
- (3)(A) For any controlled substance not covered by paragraph (1) or (2), no later than three months after any loss of that controlled substance is discovered either by the inventory activities required by subparagraph (B), or in any other manner. The report shall cover the period from the last physical count of the controlled substance before the loss was discovered through the date of discovery.
- (B) Inventory activities for each controlled substance not covered by paragraph (1) or (2) shall be performed at least once every two years from the performance of the last inventory activities. For purposes of this section, “inventory activities” means inventory and all other functions necessary to identify losses of the controlled substance.
- (b) The pharmacist-in-charge of a pharmacy or ~~consultant~~ consulting pharmacist for a clinic shall review all inventory activities performed and inventory reconciliation reports ~~taken~~ prepared pursuant to this section, and establish and maintain secure methods to prevent losses of federal controlled ~~drugs~~ substances. Written policies and procedures shall be developed for performing the inventory activities and preparing the inventory reconciliation reports required by this section.
- (c) ~~A pharmacy or clinic shall compile an~~ An inventory reconciliation report ~~of all federal~~ Schedule II controlled substances at least every three months. This compilation prepared pursuant to this section shall ~~require~~ include all of the following:

- (1) A physical count, not an estimate, of all quantities of ~~each federal Schedule II~~ each federal controlled substance substance covered by the report that the pharmacy or clinic has in inventory, except as provided in subdivision (h). The biennial inventory of controlled substances required by federal law may serve as one of the mandated inventories under this section in the year where the federal biennial inventory is performed, provided the biennial inventory was taken no more than three months from the last inventory required by this section. An individual who performs the inventory required by this paragraph shall sign and date the inventory or the report in which it is included as provided in subdivision (e)(1);
- (2) A review of all acquisitions and dispositions of ~~each federal Schedule II~~ each federal controlled substance substance covered by the report since the last inventory reconciliation report covering that controlled substance;
- (3) A comparison of (1) and (2) to determine if there are any variances;
- (4) ~~All~~ Identification of all records used to compile ~~each inventory reconciliation~~ the report, which shall be maintained in the pharmacy or clinic ~~for at least three years in a readily retrievable form pursuant to subdivision (e)(2); and~~
- (5) Identification of each individual involved in preparing the report; and
- ~~(5)-(6) Possible causes of overages shall be identified in writing and incorporated into the inventory reconciliation report.~~
- (d) A pharmacy or clinic shall report in writing identified losses and known causes to the board within 30 days of discovery unless the cause of the loss is theft, diversion, or self-use in which case the report shall be made within 14 days of discovery. If the pharmacy or clinic is unable to identify the cause of the loss, further investigation shall be undertaken to identify the cause and actions necessary to prevent additional losses of federal controlled substances.
- (e)(1) ~~The~~ An inventory reconciliation report shall be dated and signed by ~~the individual(s)~~ performing the inventory, and countersigned by the pharmacist-in-charge or professional director (if a clinic) and, in addition to any signature required by subdivision (c)(1). An individual may use a digital or electronic signature or biometric identifier in lieu of a physical signature under this section if, in addition, the individual physically signs a printed statement confirming the accuracy of the inventory or report. The signature shall be dated, and the signed and dated statement shall be retained on file pursuant to paragraph (2).
- (2) The report, and all records used to compile the report, shall be readily retrievable in the pharmacy or clinic for three years. A countersignature is not required if the pharmacist-in-charge or professional director personally completed the inventory reconciliation report.
- (f) A new pharmacist-in-charge of a pharmacy shall complete an inventory reconciliation report ~~as identified in subdivision (c)~~ for all federal controlled substances described in paragraphs (1) and (2) of subdivision (a) within 30 days of becoming pharmacist-in-charge. Whenever possible an outgoing pharmacist-in-charge should also complete an inventory reconciliation report ~~as required in subdivision (c)~~ for those controlled substances.
- (g) ~~For~~ Notwithstanding the periodic reporting requirements specified in paragraphs (1) and (2) of subdivision (a), inpatient hospital pharmacies, shall prepare an inventory reconciliation

report or reports covering the federal controlled substances described in paragraphs (1) and (2) of subdivision (a) on a separate quarterly inventory reconciliation report shall be required for federal Schedule II basis. The report or reports shall include controlled substances stored within the pharmacy and for, within each pharmacy satellite location, and within each drug storage area in the hospital under the pharmacy's control.

~~(h) The pharmacist in charge of~~ If an inpatient hospital pharmacy or of a pharmacy servicing onsite or offsite uses an automated drug delivery systems system (ADDS), inventory in the ADDS may be accounted for under subdivision (c)(1) using means other than a physical count, shall ensure that:

~~(1) All controlled substances added to an automated drug delivery system are accounted for;~~

~~(2) Access to automated drug delivery systems is limited to authorized facility personnel;~~

~~(3) An ongoing evaluation of discrepancies or unusual access associated with controlled substances is performed; and~~

~~(4) Confirmed losses of controlled substances are reported to the board.~~

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4008, 4037, 4080, 4081, 4101, 4104, 4105, 4105.5, 4110, 4113, 4119.1, 4180, 4181, 4182, 4186, 4190, 4191, 4192 and 4332, Business and Professions Code; and Section 1261.6, Health and Safety Code.

Drug Losses

16 CCR § 1715.6

§ 1715.6. Reporting Drug Loss.

- (a) The owner shall ~~submit report~~ to the Board a report containing the information in subdivision (b) within no later than thirty (30) days after the date of discovery of the following:
- (1) ~~any~~ Any loss of the a controlled substances, including their in one of the following categories that causes the aggregate amount of unreported losses discovered in that category on or after the same day of the previous year to equal or exceed:
- (A) For tablets, capsules, or other oral medication, 99 dosage units.
- (B) For single-dose injectable medications, lozenges, film, suppositories, or patches, 10 dosage units.
- (C) For injectable multi-dose medications, medications administered by continuous infusion, or any other multi-dose unit not described in subparagraph (A), two or more multi-dose vials, infusion bags, or other containers.
- (2) Any loss of a controlled substance, regardless of the amount, attributed to employee theft.
- (3) Any other ~~substantial~~ significant loss as determined by the pharmacist-in-charge.
- (b) All reports under this section shall specify the identity, amounts and strengths of each controlled substance lost, and date of discovery of the loss, for all losses that have made the report necessary.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4081 and 4332, Business and Professions Code.

Attachment 7

Regulation Timelines

IX. Discussion and Consideration of Board Approved Text to Initiate Rulemaking – Board Staff Drafting Rulemaking Documents for Pre-Notice Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency

- a. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements and Section 1793.65 Related to the Pharmacy Technician Certification Programs

Timeline:

Approved by Board: October 26, 2016

Submitted to DCA for Pre-Notice Review: January 23, 2017

Returned to the Board: March 28, 2017

Re-submitted to DCA for Pre-Notice Review: August 21, 2017

Returned to the Board: February 24, 2018

Modified language approved by Board: March 27, 2018

Re-submitted to DCA for Pre-Notice Review: July 11, 2018

Returned to the Board: August 20, 2018

Re-submitted to DCA for Pre-Notice Review: October 26, 2018

Returned to the Board: December 13, 2019

Re-submitted to DCA for Pre-Notice Review: July 10, 2020

Returned to the Board: September 3, 2020

- b. Proposed Regulations to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts

Timeline:

Approved by Board: October 26, 2016

Submitted to DCA for Pre-Notice Review: January 26, 2017

Returned to the board on: March 28, 2017

Re-submitted to DCA for Pre-Notice Review: May 24, 2018

Returned to the board: August 6, 2018

Re-submitted to DCA for Pre-Notice Review: August 16, 2018

Returned to the board: November 2, 2018

Re-submitted to DCA for Pre-Notice Review: December 20, 2018

Returned to the board: January 3, 2020

Re-submitted to DCA for Pre-Notice Review: January 14, 2020

Returned to the Board: April 22, 2020

- c. Proposed Regulation to Amend Title 16 CCR Section 1704 Related to Address Change Notification

Timeline:

Approved by Board: July 29, 2020

- d. Proposed Regulation to Add Title 16 CCR Section 1708.1 Related to the Temporary Closure of Facilities

Timeline:

Approved by Board: July 29, 2020

Pharmacy Technician

**16 CCR § 1793.5,
1793.6, and 1793.65**

**Title 16. Board of Pharmacy
Proposed Regulation Text**

Proposal to amend §1793.5 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1793.5. Pharmacy Technician Application.

The "Pharmacy Technician Application" (Form 17A-5 (Rev. ~~10/15~~ 7/2018)), incorporated by reference herein, required by this section is available from the Board of Pharmacy upon request.

(a) Each application for a pharmacy technician license shall include:

(1) Information sufficient to identify the applicant.

(2) A description of the applicant's qualifications and supporting documentation for those qualifications.

(3) A criminal background check that will require submission of fingerprints in a manner specified by the board and the fee authorized in Penal Code section 11105(e).

(4) A sealed, original Self-Query from the National Practitioner Data Bank (NPDB) dated no earlier than 60 days of the date an application is submitted to the board.

(b) The applicant shall sign the application under penalty of perjury and shall submit it to the Board of Pharmacy.

(c) The board shall notify the applicant within 30 days if an application is deficient; and what is needed to correct the deficiency. Once the application is complete, and upon completion of any investigation conducted pursuant to section 4207 of the Business and Professions Code, the board will notify the applicant within 60 days of a license decision.

(d) Before expiration of a pharmacy technician license, a pharmacy technician must renew that license by payment of the fee specified in subdivision (r) of section 4400 of the Business and Professions Code.

Note: Authority cited: Sections ~~163.5, 4005, 4007, 4038,~~ 4115, and 4202, ~~4207 and 4400,~~ Business and Professions Code. Reference: Sections 144, 144.5, 163.5, 4005, 4007, 4038, 4115, 4202, 4207, 4400 and ~~4402 and 4400,~~ Business and Professions Code; and Section 11105, Penal Code.

Proposal to amend §1793.6 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1793.6. Training Courses Specified by the Board.

A course of training that meets the requirements of Business and Professions Code section 4202

(a)(2) is:

(a) Any pharmacy technician training program accredited by the American Society of Health--System Pharmacists,

(b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or

(c) (1) Any other course that provides a training period of at least 240 hours of instruction covering at least the following:

(± A) Knowledge and understanding of different pharmacy practice settings.

(2 B) Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.

(3 C) Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.

(4 D) Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.

(5 E) Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.

(6 F) Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.

(7 G) Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

(2) In addition to the content of coursework specified in subdivision (c)(1), the course of training must also satisfy all of the following:

(A) Prior to admission to the course of training, an administrator or instructor must conduct a criminal background check and counsel applicants to the program about the negative impact to securing licensure if the background check reveals criminal history.

(B) Administer at least one drug screening to each student to evaluate use of illicit drugs or use of drugs without a prescription. The results of any screen shall be considered as part of the evaluation criteria to determine (1) acceptance into the course of training, or (2) appropriateness for continuation in the course of training. An administrator or instructor shall counsel students about the negative impact of a positive drug screen on eligibility for licensure.

(C) Require students to be at least 18 years of age prior to the beginning of instruction.

(D) Require a final examination that demonstrates students' understanding and ability to perform or apply each subject area identified in subsection (1) above.

Authority cited: Sections 4005, ~~4007, 4038, 4115~~, and 4202, Business and Professions Code. Reference: Sections 4005, 4007, 4038, 4115, 4115.5, and 4202, Business and Professions Code.

Proposal to add §1793.65 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1793.65 Pharmacy Technician Certification Programs Approved by the Board.

(a) Pursuant to Business and Professions Code section 4202(a)(4), the board approves the pharmacy technician certification program offered by:

(1) The Pharmacy Technician Certification Board, and

(2) The National Healthcareer Association.

(b) Approval of these programs is valid through December 31, 2021.

Note: Authority cited: Business and Professions Code Sections 4005 and 4202. Reference: Business and Professions Code Sections 4038 and 4202.



California State Board of Pharmacy
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Business, Consumer Services and Housing Agency
 Department of Consumer Affairs
 Gavin Newsom, Governor



PHARMACY TECHNICIAN APPLICATION

~~All items of information requested in this application are mandatory.~~ Please read the application instructions before you complete the application. Failure to provide any of the requested information ~~will~~ may result in the application being considered incomplete. ~~an incomplete application and a deficiency letter being mailed to you.~~ An applicant for a pharmacy technician license, who fails to complete all the application requirements within 60 days after being notified by the board of deficiencies, may be deemed to have abandoned the application and may be required to file a new application, fee, and meet all the requirements which are in effect at the time of reapplication. ~~Please read all the instructions prior to completing this application. Page 1, 2, and 3 of the application must be completed and signed by the applicant.~~ All questions on this application must be answered. ~~If not applicable indicate N/A.~~ Attach additional sheets on paper if necessary.

TAPE A COLOR
 PASSPORT STYLE 2"X2"
 PHOTO TAKEN WITHIN
 60 DAYS OF THE FILING
 OF THIS APPLICATION

**NO POLAROID
 OR
 SCANNED IMAGES**

 MILITARY (Check here if you meet the requirements for expending your Application.)

Military Expedite (Please check one of the following, if applicable)

 MILITARY (Are you serving in the United States military?)

 VETERAN (Have you ever served in the United States military?)

 ACTIVE DUTY MILITARY (Do you have a spouse or partner serving active duty in the military?)

Applicant Information - Please Type or Print

_____ Full Legal Name - Last Name Suffix First Name Middle Name

_____ Previous Names (AKA, Maiden Name, Alias, etc.)

_____ *Official Mailing/Public Address of Record (Street Address, PO Box #, etc.) City State Zip Code

_____ Residence Address (If different from above) Street City State Zip Code

_____ Home # Cell # Work #

_____ Driver's License Number State Email Address

THIS SECTION IS FOR BOARD USE ONLY

App Fee: _____	FP Card/Fee: _____	Issuance	CASHIERING ONLY	
Enf. Check: _____	LS: _____	License #	<i>APPLICATION FEE</i>	
Photo: _____	DOJ Date _____	Date Issued	Receipt #:	
Qualify Code: _____	FBI Date _____	Date Expires	Date Cashiered:	
School Code: _____			Amount:	

Date of Birth (Month/Day/Year)

**US Social Security # or ~~Individual Tax ID~~ ITIN #

Mandatory Education

Please indicate how you satisfy the ~~mandatory~~ education requirement in Business and Professions Code section 4202(a).

_____ High school graduate or foreign equivalent.

Attach an official embossed transcript or notarized copy of your high school transcript, or certificate of proficiency, or foreign secondary school diploma along with a certified translation of the diploma.

_____ Completed a general education development certificate equivalent.

Attach an official transcript of your test results or certificate of proficiency.

Pharmacy Technician Qualifying Method (check one box)

Please check one of the boxes below indicating how you qualify in order to apply for a pharmacy technician license pursuant to section 4202(a)(1)(2)(3)(4) of the Business and Professions Code.

_____ Attached Affidavit of Completed Coursework or Graduation for: Associate degree in Pharmacy Technology, Training Course, or Graduate of a school of pharmacy

_____ Attached is a ~~certified~~ copy of PTCB certificate or ExCPT certificate ~~— Date certified: _____~~

_____ Attached is a ~~certified~~ copy of ~~your~~ military training DD214

List all state(s) where you hold or held a license as a pharmacy technician, pharmacist, intern pharmacist, and/or pharmacy technician and/or another health care professional license, including California. Attach an additional sheet if necessary.

State	Registration Number	Active or Inactive	Issued Date	Expiration Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Self-Query Report by the National Practitioner Data Bank (NPDB)

_____ Attached is the original sealed envelope containing my Self-Query Report from NPDB. (This must be submitted with your application.)

~~You must provide a written explanation for all affirmative answers indicated below. Failure to do so may result in this application being deemed incomplete and being withdrawn.~~

~~1. Do you have a mental illness or physical illness that in any way impairs or limits your ability to practice your profession with reasonable skill and safety without exposing others to significant health or safety risks?~~

~~Yes ___ No ___ If "yes," attach a statement of explanation. If "no," proceed to #2.~~

~~Are the limitations caused by your mental illness or physical illness reduced or improved because you receive ongoing treatment or participate in a monitoring program? ___~~

~~Yes ___ No ___ If "yes," attach a statement of explanation.~~

~~If you do receive ongoing treatment or participate in a monitoring program, the board will make an individualized assessment of the nature, the severity and the duration of the risks associated with an ongoing mental illness or physical illness to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether you are not eligible for license.~~

~~2. Have you previously engaged in the illegal use of controlled substances?~~

~~Yes ___ No ___ If "yes," are you currently participating in a supervised substance abuse program or professional assistance program which monitors you in order to assure that you are not engaging in the illegal use of controlled dangerous substances? Attach a statement of explanation.~~

~~3. Do you currently participate in a substance abuse program or have previously participated in a substance abuse program in the past five years?~~

~~Yes ___ No ___ If "yes," are you currently participating in a supervised substance abuse program or professional assistance program which monitors you to ensure you are maintaining sobriety? Attach a statement of explanation.~~

~~4. Has disciplinary action ever been taken against your designated representative, pharmacist, intern pharmacist and/or pharmacy technician license in this state or any other state?~~

~~Yes ___ No ___ If "yes," attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved.~~

~~5. Have you ever had an application for a designated representative, pharmacist, intern pharmacist and/or pharmacy technician license denied in this state or any other state?~~

~~Yes ___ No ___ If "yes," attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved.~~

~~6. Have you ever had a pharmacy license, or any professional or vocational license or registration, denied, suspended, revoked, placed on probation or had other disciplinary action taken by this or any other government authority in California or any other state?~~

~~Yes ___ No ___ If "yes," provide the name of company, type of permit, type of action, year of action and state.~~

~~7. Are you currently or have you previously been listed as a corporate officer, partner, owner, manager, member, administrator or medical director on a permit to conduct a pharmacy, wholesaler, medical device retailer or any other entity licensed in this state or any other state?~~

~~Yes ___ No ___ If "yes," provide company name, type of permit, permit number and state where licensed.~~

~~8. Have you ever been convicted of, or pleaded guilty or nolo contendere/no contest to, any crime, in any state, the United States or its territories, a military court, or any foreign country? Include any felony or~~

~~misdemeanor offense, and any infraction involving drugs or alcohol with a fine of \$500 or more. You must disclose a conviction even if it was: (1) later dismissed or expunged pursuant to Penal Code section 1203.4 et seq., or an equivalent release from penalties and disabilities provision from a non-California jurisdiction, or (2) later dismissed or expunged pursuant to Penal Code section 1210 et seq., or an equivalent post-conviction drug treatment diversion dismissal provision from a non-California jurisdiction. Failure to answer truthfully and completely may result in the denial of your application.~~

~~NOTE: You may answer "NO" regarding, and need not disclose, any of the following: (1) criminal matters adjudicated in juvenile court; (2) criminal charges dismissed or expunged pursuant to Penal Code section 1000.4 or an equivalent deferred entry of judgment provision from a non-California jurisdiction; (3) convictions more than two years old on the date you submit your application for violations of California Health and Safety Code section 11357, subdivisions (b), (c), (d), or (e), or California Health and Safety Code section 11360, subdivision (b); and (4) infractions or traffic violations with a fine of less than \$500 that do not involve drugs or alcohol.~~

~~You may wish to provide the following information in order to assist in the processing of your application: descriptive explanation of the circumstances surrounding the conviction (i.e. dates and location of incident and all circumstances surrounding the incident.) If documents were purged by the arresting agency and/or court, a letter of explanation from these agencies is required.~~

~~Yes _____ No _____~~

~~Failure to disclose a disciplinary action or conviction may result in the license being denied or revoked for falsifying the application. Attach additional sheets if necessary.~~

Arrest Date	Conviction Date	Violation(s)	Case #	Court of Jurisdiction (Full Name and Address)
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APPLICANTS MUST ANSWER THE FOLLOWING QUESTIONS.

Ownership Information - For any affirmative answer, attach a statement of explanation including company name, type of license, license number, and identify the state, territory, foreign country, or other jurisdiction where licensed.

1. Are you currently or have you previously been listed as a corporate officer, partner, owner, manager, member, administrator, or medical director on a license to conduct a pharmacy, wholesaler, third-party logistics provider, or any other entity licensed in any state, territory, foreign country, or other jurisdiction?

Yes No If "yes," attach a statement of explanation. If "no," proceed to #2.

Disciplinary History - The following questions pertain to a license sought or held in any state, territory, foreign country, or other jurisdiction. For any affirmative answer, attach a statement of explanation including type of

license, license number, type of action, date of action, and identify the state, territory, foreign country, or other jurisdiction.

2. Have you ever had an application for pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration denied?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #3.
3. Have you ever had a pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration suspended, revoked, placed on probation, or had other disciplinary action taken against it?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #4.
4. Have you ever had a pharmacy, wholesaler, third-party logistics provider, and/or any other entity license denied, suspended, revoked, placed on probation, or had other disciplinary action taken?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #5.

Practice Impairment or Limitation

The board will make an individualized assessment of the nature, the severity, and the duration of the risks associated with any identified condition to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether the applicant is not qualified for licensure. If the board is unable to make a determination based on the information provided, the board may require an applicant to be examined by one or more physicians or psychologists, at the board's cost, to obtain an independent evaluation of whether the applicant is able to safely practice despite the mental illness or physical illness affecting competency. A copy of any independent evaluation would be provided to the applicant.

5. Have you ever been diagnosed with an emotional, mental, or behavioral disorder that may impair your ability to practice safely?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #6.
6. Have you ever been diagnosed with a physical condition that may impair your ability to practice safely?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #7.
7. Do you have any other condition that may in any way impair or limit your ability to practice safely?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #8.
8. Have you ever participated in, been enrolled in, or required to enter into any drug, alcohol, or other substance abuse recovery program?
Yes No If "yes," attach a statement of explanation. If "no," proceed to #9.
9. If you answered "Yes" to questions 5 through 8 above, have you ever received treatment or participated in any program that improves your ability to practice safely?
Yes No N/A If "yes," attach a statement of explanation.

APPLICANT AFFIDAVIT

You must provide a written explanation for all affirmative answers. Failure to do so will result in this application being deemed incomplete. Falsification of the information on this application may constitute ground for denial or revocation of the license.

All items of information requested in this application are mandatory. Failure to provide any of the requested information may result in the application being deemed rejected as incomplete, including failing to provide a statement of explanation for any affirmative answers. The board must receive your application within 60 days of your signature below.

Collection and Use of Personal Information. The California State Board of Pharmacy of the Department of Consumer Affairs collects the personal information requested on this form pursuant to as authorized by Business and Professions Code Sections 30 and 4400 4200 and 4202 and Title 16 and following and California Code of Regulations title 16, division 17 Section 1793.5 and 1793.6. The California State Board of Pharmacy uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by law and regulation.

~~**Mandatory Submission.** Submission of the requested information is mandatory. The California State Board of Pharmacy cannot consider your application for licensure or renewal unless you provide all of the requested information.~~

Access to Personal Information. You may review the records maintained by the California State Board of Pharmacy that contain your personal information, as permitted by the Information Practices Act. The official responsible for maintaining records is the Executive Officer at the board's address listed on the application. Each individual has the right to review the files or records maintained by the board, unless confidential and exempt law by Civil Code Section 1798.40.

Possible Disclosure of Personal Information. We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required or permitted by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

***Address of Record:** Once you are licensed with the board, the address of record you enter on this application is considered public information pursuant to the Information Practices Act (Civil Code section 1798 and following et seq.) and the Public Records Act (Government Code Section 6250 and following et seq.) and will be placed available on the Internet. This is where the board will mail all correspondence. If you do not wish your residence address to be available to the public, you may provide a post office box number or a personal mail box (PMB). However, if your address of record is not your residence address,

you must also provide your residence address to the board, in which case your residence will not be available to the public.

****Disclosure of your U.S. social security ~~account~~ number or individual taxpayer identification number is mandatory.** Section 30 of the Business and Professions Code, Section 17520 of the Family Code, and Public Law 94-455 (42 USC § 405(c)(2)(C)) authorize collection of your social security ~~account~~ number or individual taxpayer identification number. Your social security ~~account~~ number or individual taxpayer identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for child or family support in accordance with section 17520 of the Family Law Code, or for verification of license or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security ~~account~~ number or individual taxpayer identification number, your application will not be processed and you may be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

NOTICE: The State Board of Equalization and the Franchise Tax Board may share taxpayer information with the board. You are obligated to pay your state tax obligation. This application may be denied or your license may be suspended if your state tax obligation is not paid.

MANDATORY REPORTER

Under California law, each person licensed by the California State Board of Pharmacy is a “mandated reporter” for both child and elder abuse or neglect ~~purposes~~ laws. California Penal Code Section 11166 and Welfare and Institutions Code Section 15630 require that all mandated reporters make a report to an agency specified in Penal Code Section 11165.9 and Welfare and Institutions Code Section 15630(b)(1) [generally law enforcement, state and/or county adult protective services agencies, etc.] whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child, elder and/or dependent adult whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or elder abuse or neglect. The mandated reporter must contact by telephone immediately or as soon as possible, to make a report to the appropriate agency(ies) or as soon as practicably possible. The mandated reporter must prepare and send a written report thereof within two working days or 36 hours of receiving the information concerning the incident.

Failure to comply with the requirements of ~~Section 11166 and Section 15630~~ the laws above is a misdemeanor, punishable by up to six months in a county jail, by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine. For further details about these requirements, ~~consult~~ refer to Penal Code Section 11164 and Welfare and Institutions Code Section 15630, and ~~subsequent~~ following sections.

APPLICANT AFFIDAVIT

~~(must be signed and dated by the applicant)~~ Must be signed and dated by the applicant. Must be received by the Board within 60 days.

I, _____, hereby attest to the fact that I am the
(Print full Legal Name)

applicant whose signature appears below. I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers and representations made in this

application, including all supplementary statements. I understand that my application may be denied, or any license disciplined, for fraud or misrepresentation.

Original Signature of Applicant

Date



California State Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
 Phone: (916) 518-3100 Fax: (916) 574-8618
 www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
 Department of Consumer Affairs
 Gavin Newsom, Governor



AFFIDAVIT OF COMPLETED COURSEWORK OR GRADUATION FOR PHARMACY TECHNICIAN

Instructions: The Director, Registrar, or Pharmacist must complete and sign this form certifying the identified individual has met the specified requirements in section 4202 of the Business and Professions Code and, if applicable, board regulations. This form must be completed by the university, college, school, or pharmacist (The person who must complete this form will depend on how the applicant is qualifying). All dates must include the month, day, and year ~~in order~~ for the form to be accepted.

This is to certify that _____ has
 Print Full Name of Applicant

_____ Completed a pharmacy technician training program accredited by the American Society of Health-System Pharmacists (ASHP) as specified in Title 16, California Code of Regulations section 1793.6(a) on _____/_____/_____
 (completion date must be included)

_____ Completed a training course that provided at least 240 hours of instruction as specified in Title 16, California Code of Regulations Section 1793.6(c) on _____/_____/_____
 (completion date must be included)

_____ Completed an Associate Degree in Pharmacy Technology and was conferred on ~~her/him on~~ _____/_____/_____
 (graduation date must be included)

_____ Graduated from a school of pharmacy accredited or granted candidate status by the ~~American Council on Pharmaceutical Education~~ Accreditation Council for Pharmacy Education (ACPE). The degree of Bachelor of Science in Pharmacy or the degree of PharmD was conferred on ~~her/him on~~ _____/_____/_____
 (graduation date must be included)

I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the above:

Signed _____ Title _____ Date _____

Name of Pharmacy Technician Training Program or School of Pharmacy _____

Address _____ Phone Number _____

Print Name of Director, Registrar, or Pharmacist _____

Email _____

Affix school seal here or Attach a business card of the pharmacist who provided the training pursuant to section 1793.6(c) of Title 16, California Code of Regulations here. The pharmacist's license number shall be listed.

**Pharmacy Ownership,
Management, and
Control, Including
Through Trusts
16 CCR § 1709**

**Title 16. Board of Pharmacy
Proposed Text**

To Amend Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1709. Names of Owners and Pharmacist In Charge Disclosure and Notification Requirements

- (a) Each ~~permit~~ license issued by the board to operate a pharmacy shall reflect ~~show~~ the name and address of the pharmacy, the form of ownership (~~individual, partnership or corporation~~) and the pharmacist-in-charge. Each pharmacy shall, in its initial application and on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the ~~B~~board within 30 days.
- (b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original ~~permit~~ license was issued, shall require written notification to the board within 30 days.
- (c) A license issued by the board shall not be transferred from one owner to another. The following shall constitute a change of ownership transfer of permit and shall require a new application for a change of ownership licensure:
- (1) any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license. A change of ownership application shall be filed with the board in advance of the proposed transaction taking place.
- (d) If any beneficial interest of the pharmacy is held in trust, the applicant, licensee, or any person with management or control of the pharmacy, shall do the following:
- (1) In addition to the requirements in subdivision (a), as part of their application and annual renewal, report the name of any other person in any position with management or control of the pharmacy.
- (2) As part of the application, disclose the full name of the trust, and provide to the board a complete copy of, and any amendments to the trust document. A trust document and any related amendments shall be considered confidential financial documents by the board.

(3) As part of the renewal, provide to the board a complete copy of any amendments to the trust document made after submission of the original application.

(4) Include in the application and the annual renewal, the name, address and contact information for each grantor, settlor, trustee, and trust protector, as applicable.

(5) The application and annual renewal shall also include the name, address, and contact information for each named beneficiary of the trust, who is age 18 or older.

(6) Notify the board in writing within 30 days of all the following:

(A) A change in trustee, protector or any other person with management or control of the pharmacy.

(B) Any change in the beneficiaries of the trust, where the beneficiary is age 18 or older.

(C) The revocation of the trust.

(D) The dissolution of the trust.

(E) Any amendment to the trust since the original application.

(F) Any change in the character of the trust, including, but not limited to, the trust changing from revocable to irrevocable.

(e) An application may be denied, or a license may be suspended or revoked based on the failure of any individual required to be disclosed to the board to qualify pursuant to the provisions of sections 4302, 4307 and 4308 of the Business and Professions Code.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4035, 4058, 4110, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4302, 4304, 4305, 4307, 4308, and 4330, Business and Professions Code.

**Address Change
Notification
16 CCR § 1704**

**Title 16. Board of Pharmacy
Proposed Text**

Proposed changes to the current regulation language are shown by ~~strikethrough~~ for deleted language and underline for added language.

Amend Section 1704 to Title 16 of the California Code of Regulations, to read as follows:

§ 1704. ~~Change of~~ Providing Addresses.

- (a) Each person holding a certificate, license, permit, registration or exemption to practice or engage in any activity in the State of California under any and all laws administered by the Board shall file a proper and current residence address with the Board at its office in Sacramento and shall within 30 days notify the Board at its said office of any and all changes of residence address, giving both the old and new address.
- (b) Each applicant and person holding a certificate, license, permit, or registration who has an electronic mail address shall provide to the Board that electronic mail address and shall maintain a current electronic mail address, if any, with the Board.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4003 and 4100, Business and Professions Code.

**Temporary Closure
of Facilities
16 CCR § 1708.1**

**Title 16. Board of Pharmacy
Proposed Text**

Add Section 1708.1 to Title 16 of the California Code of Regulations, to read as follows:

§ 1708.1. Notification of Temporary Closure.

A permit holder shall notify the board of any temporary closure of a facility as soon as any closure exceeds three consecutive calendar days. Closure dates will be public information.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Section 4312, Business and Professions Code.