



Monday, April 16, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting
Agenda



Notice is hereby given that a public meeting of the Legislative and Regulatory Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

Upon conclusion of Enforcement Subcommittee

Monday, April 16, 2012

Embassy Suites – San Diego Bay Downtown

Topeka Room

601 Pacific Highway

San Diego, CA

619-239-2400

Agenda

LEG 1 – Roll Call

LEG 2 – Public Comment for items not listed on the agenda

LEG 3 – Approval of December 12, 2011 minutes

LEG 4 – Chairperson's Report

LEG 5 – Statutory Update

LEG 6 – Discussion and Possible Actions on the Following Legislation:

- AB 1588 (Atkins) Professions and vocations: reservist licensees: fees and continuing education.
- SB 694 (Padilla) Dental care
- SB 1202 (Leno) Dental Hygienist
- SB 1575 Committee on Business, Professions and Economic Development Professions and Vocations

LEG 7 – Update on rulemaking for Title 16, Division 11, Articles 1-12 of the California Code of Regulations

LEG 8 – Proposed amendment to regulation §1132, Title 16 California Code of Regulations regarding retroactive fingerprinting requirements

LEG 9 – Update regarding mandatory report to Legislature re Licensure By Credential pursuant to Section 1917.1 (d) of the Business and Professions Code

LEG 10 – Adjournment

Legislative and Regulatory Subcommittee

Chair – Michelle Hurlbutt, RDH
Andrew Wong, Public Member
William Langstaff, DDS

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers, for convenience, and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at www.dhcc.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 3**

Approval of December 12, 2011 Minutes



Draft LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETINGS

Tuesday, December 12, 2011
Evergreen Hearing Room
2005 Evergreen Street 1st Floor
Sacramento, CA 95815

LEG - 1 Roll Call

Dental Hygiene Committee of California (DHCC) Legislative and Regulatory Chairperson, Alex Calero, called the subcommittee to order at 9:53 a.m. Roll was called and a quorum was established.

Subcommittee members present: Alex Calero, Public Member; Miriam DeLaRoi, RDHAP; Michelle Hurlbutt, RDH; and William Langstaff, DDS. Staff present: Lori Hubble, Executive Officer; and Traci Napper, Legislation and Regulatory Analyst.

LEG - 2 Public Comment for Items Not Listed On The Agenda.

Mr. Calero asked if there were any comments from the members or the public.

There was no public comment.

LEG - 3 Approval of April 29, 2011 Minutes

William Langstaff moved to approve the April 29, 2011, subcommittee meeting minutes.

Michelle Hurlbutt seconded the motion.

Mr. Calero asked for any public comment. There was no public comment. He called for the vote for the approval of the subcommittee meeting minutes.

The motion passed (4-0).

Leg - 4 Chairperson Report

Mr. Calero reported that by statute DHCC needed to submit a report regarding Licensure By Credential to the Legislature and other stakeholders by January 1, 2012. He directed staff to present the report to the subcommittee by the April 2012 meeting. He asked if there was any public comment. There was no public comment.

LEG - 5 Tentative Legislative Calendar--First Year 2011-12 Biennial Session

Traci Napper provided a calendar that indicated important dates of holidays and legislative deadlines for submitting statutory changes to the legislature.

Mr. Calero stated that the subcommittee worked diligently on the proposed regulations and statutory changes and indicated that the legislative calendar is important for the subcommittee to be aware of in the event that the full committee locates a sponsor to author legislation to enact the proposed statutory changes.

LEG - 6 California Regulatory Notice Register Schedule

Ms. Napper provided an information only report of the Regulatory Notice Register Schedule she stated that this schedule is followed to ensure proposed regulatory packages are submitted to The Office of Administrative Law in a timely manner. She informed the subcommittee that DHCC has scheduled a regulatory hearing on January 6, 2012, for public comment on the Sponsored Free Health Care bill.

LEG - 7 Report on 2011 End of Year Legislative Session Summary

Ms. Napper provided a review of all the bills that DHCC followed throughout the 2011 legislative session and included a list of them that have become two-year bills and bills the Governor signed into law that will take effect January 1, 2012.

Ms. Napper reported that Senate Bill (SB) 943 (DCA Omnibus Bill) and SB 540 (Dental Board's Sunset Bill) included non-substantive language for DHCC that will be effective January 1, 2012. She also reported that Assembly Bill(AB)1088, requires additional demographic information from licensees, therefore the renewal notice will be revised. She reported that AB 1424 requires that a license be suspended if a licensee has outstanding tax obligations in an excess of \$100,000. She stated that the information is currently on DHCC website.

Mr. Calero asked for any public comments. Joann Galliano stated that SB 540 eliminates the Registered Dental Hygienist member from the Dental Board in 2016.

Ms. Hurlbutt inquired as to how the term limits for the committee members will be determined since the legislative language was not clear?

Ms. Hubble stated that she had a discussion with DCA legal counsel and explained that every member will roll over to 2012, but after that time, there will be new appointments with the exception of the RDH educator, HAP member, and one public member.

Ms. Hurlbutt asked how will it be determined which public member stays when there is more than one public member.

Ms. Hubble responded that they would be considered re-appointments, and the members would have to express an interest to continue on DHCC.

Norine Marks, DCA Legal Counsel; stated that they would have to look at the legislative language to make a determination.

Mr. Calero asked for any public comment. Ms. Galliano suggested to utilize a 1-year grace period and if the member chooses to continue, the grace period could have an impact on which members move forward.

There were no further public comments.

LEG - 8 Update on plan to proceed with rulemaking for Articles 1-12

Ms. Napper reported that at the December 2010 subcommittee meeting, staff was directed to move forward with the rulemaking process for Articles 1-12. She reported that due to staffing limitations and the regulatory package being so large, it was suggested to implement the process in phases. She provided the members with a list showing the three phases. She stated that the phases are: Phase 1 - existing regulations from the Dental Practice Act with zero or minor revisions (non-substantive changes); Phase 2 - regulations that have been revised with substantive changes that DHCC will have to justify for this regulatory package; and Phase 3 - new regulations that DHCC does not currently have statutory authority to implement but will require legislation to complete the process.

Mr. Langstaff asked if there was a time frame for the process. Ms. Napper stated that Phase 1 should be completed in 2012.

Mr. Calero asked about the Phase 2 time frame. Ms. Napper stated that in 2012, staff will begin phase two. She added that staff would like to have phase 3 started as well but needs a sponsor of a bill for this process.

Michelle Hurlbutt reminded the subcommittee that all the language for Articles 1-12 has been written for the regulatory process. She moved to recommend to the Full Committee that the current proposed regulations, Article 1-12, be separated into three phases and that staff begin implementing phases 1 and 2.

Miriam DeLaRoi seconded.

Mr Calero asked for any public comment. There was no public comment.

Mr Calero called for the vote. Motion passed (4-0).

LEG - 9 Adjournment

The meeting adjourned at 10:11 a.m.



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 4**

Chairperson's Report



MEMORANDUM

| | |
|----------------|--|
| DATE | April 16, 2012 |
| TO | DHCC Committee Members |
| FROM | Michelle Hurlbutt, Chair |
| SUBJECT | Agenda Item 4: Chairperson's Report |

A verbal report will be provided.



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 5**

Statutory Update



MEMORANDUM

| | |
|----------------|--|
| DATE | April 16, 2012 |
| TO | DHCC Committee Members |
| FROM | Traci Napper Legislative and Regulatory Coordinator |
| SUBJECT | LEG 5 - Statutory Update |

Background

Committee members reviewed all DHCC statutes in December 2010. During this review, they made recommended changes that would require either an author or inclusion in an omnibus bill.

As the attached tracking charts shows, many changes have been included in SB 1202 (Leno and Wyland). (See yellow highlighted portion of attached chart). Additional changes (noted on the left side not highlighted portion of the attached chart), must still be put into legislation.

Attached:
Chart

Informational Only

LEG 05.02 The following chart is being used for tracking purposes.

| Substantive Changes that Require Statutory Change 10.15.11 | Added into SB 1202 February 22, 2012 |
|---|--|
| 1901(c) Dental Practice Act | |
| 1902.2 (a) Collection of information - survey | 1902.3 Special Permit |
| 1903 (b) (2) (c) (j) Member terms | 1905 Approval Ed Programs |
| 1905.1 Contracting with DBC investigations | 1917(f) Initial licensure requirement Clinical Exam |
| 1909.5 Scope of Practice | 1917.1 Initial licensure requirement LBC or WREB |
| 1915 Permitted duties | 1917.3 Three exam attempts |
| 1922(2)RDHAP licensure | 1926.1 Mobile Clinic |
| 1934 Provide proof address or email | 1926.2 Registration of Mobile Clinics |
| 1945 Dispersing of Funds | 1926.3 Additional Office registration requirements |
| 1950.5 Unprofessional Conduct | 1926.4 Additional Offices registration |
| 1958.1 (a) Sex Offender | 1931(a)(1)(c) RDHAP, Committees authorization to take actions. |
| | 1936.1(a) Additional conditions on renewals. |
| | 1942 Extramural Facility |
| | 1944(a) Fees |
| | |
| | |



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 6**

Discussion and Possible Actions
on the Following Legislation



| | |
|---|---|
| Bill Number: AB 1588 | AUTHOR: Assembly Member ATKINS |
| SPONSOR: | VERSION: 3/05/12 |
| INTRODUCED: FEB 6, 2012 | BILL STATUS : 3/13/12 from Committee |
| BILL LOCATION: Assembly | HISTORY : 3/13/12 from committee: Do pass and re-refer to Comm. On APPR.; 03/06/12 Re-referred to Com. on B.,P& C.P.; 03/05/12 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. &C.P. Read second time and amended.; 02/17/12 Referred to Com. on B., P. & C.P.; 02/07/12 From printer. May be heard in committee March 8.; 02/06/12 Read first time. Print. |
| AGENDA ITEM: 6 | |
| SUBJECT: Professions and vocations; reservist license: fees and continuing education | |

SUMMARY

This bill requires boards, commissions and bureaus under the Department of Consumer Affairs (DCA) to waive professional license renewal fees and continuing education (CE) requirements for military reservists called to active duty as members of the United States (U.S.) Military Reserve or the California National Guard (CNG) if all of the following requirements are met:

- a) The license was in good standing at the time the reservist was called to active duty;
- b) The waiver is only for the period when the reservist is on active duty service; and,
- c) The active duty reservist or reservist's spouse or registered domestic partner provides written proof of active duty service to the board.

Analysis: This bill would provide waivers from professional license renewal fees and CE requirements for active duty military members. This bill acknowledges that active duty military members who have professional licenses are unable to perform the duties for which they are licensed while on active duty. As such, these military professionals should not be expected to pay to annual renew fees or fulfill CE requirements for a professional license they cannot use during their service period. In addition, they should not be penalized for their military service either by allowing their professional license to fall into a delinquency status during their service period.

TYPE OF BILL

| | |
|------------------------|----------------------------------|
| Active | Non-State-Mandated Local Program |
| Non-Urgency | Fiscal |
| Non-Appropriations | Non-Tax Levy |
| Majority Vote Required | |

ATTACHED:

- 1) Language

COMMITTEE POSITION:

SUPPORT: _____ **OPPOSE:** _____
NEUTRAL: _____ **WATCH:** _____

AMENDED IN ASSEMBLY MARCH 5, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1588

**Introduced by Assembly Member Atkins
(Principal coauthors: Assembly Members Cook and Nielsen)
(Coauthors: Assembly Members Block, Beth Gaines, Pan,
V. Manuel Pérez, Williams, and Yamada)**

February 6, 2012

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, as amended, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards, *commissions*, or *bureaus* within the Department of Consumer Affairs and for the licensure or *registration* of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards, *commissions*, or *bureaus* described above to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee or *registrant* who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

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. Section 114.3 is added to the Business and
2 Professions Code, to read:

3 114.3. Notwithstanding any other provision of law, every board,
4 *commission, or bureau within the department* shall waive the
5 renewal fees and continuing education requirements, if either is
6 applicable, for any licensee *or registrant* who is a reservist called
7 to active duty as a member of the United States Military Reserve
8 or the California National Guard if all of the following
9 requirements are met:

10 (a) The licensee *or registrant* was in good standing with the
11 board, *commission, or bureau* at the time the reservist was called
12 to active duty.

13 (b) The renewal fees or continuing education requirements are
14 waived only for the period during which the reservist is on active
15 duty service.

16 (c) The active duty reservist, or the active duty reservist's spouse
17 or registered domestic partner, provides written notice satisfactory
18 to the board, *commission, or bureau* that substantiates the
19 reservist's active duty service.



| | |
|---------------------------------|--|
| Bill Number: SB 694 | AUTHOR: Senate Member PADILLA |
| SPONSOR: | VERSION: 01/25/12 |
| INTRODUCED: FEB 18, 2011 | BILL STATUS : 01/26/12 In Assembly. |
| BILL LOCATION: Assembly | HISTORY: 01/26/12 In Assembly Read first time. Held at desk from Committee; 1/26/12 Read third time. Passed. Ordered to Assembly; 1/25/12 Read second time and amended. 01/24/12 From committee: Do pass as amended.; 01/19/12 Set for hearing January 9.; 01/17/12 Placed on APPR. Suspense file. 01/14/12 Set for hearing January 17.; 01/12/12 From committee: do pass as amended and re-refer to Com. on RLS. Re-referred to Com on APPR.; 01/10/12 From committee: Do pass and re-referred to Com. on RLS Re-referred to Com. on HEALTH.; 01/06/12 Set for hearing January 11 in HEALTH pending receipt.; 01/04/12 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E. D.; 12/08/11 Set for hearing January 9.; 04/07/11 Re-referred to Com. on B., P. & E. D.; 02/29/11 From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.; 03/03/11 Referred to Com. on RLS.; 02/20/11 From printer. May be acted upon on or after March 22.; 02/18/11 Introduced. Read first time. To Com. on RLS for assignment. To Print. |
| AGENDA ITEM: 6 | |
| SUBJECT: Dental Care | |

SUMMARY

Existing law requires the State Department of Public Health to maintain a dental program that includes, but not limited to, development of comprehensive dental health plans within the framework of a specified state plan. This bill would create, provided the Department of Finance memorializes in writing that sufficient funds (not from the General Fund) have been deposited with the state, a Statewide Office of Oral Health within the State Department of Public Health. A licensed dentist would serve as the dental director. One of their duties would be to conduct a study to assess the safety, quality, cost-effectiveness, and patient satisfaction of expanded dental procedures for the purpose of informing future decisions about how to meet the state's unmet oral health need for the state's children. The research parameters of the study would include public health settings, multiple models of dentist supervision, and multiple dental providers. Procedures performed during the study would be performed only by providers within the confines of a university-based study.

This bill sunsets the study by January 1, 2014 if it is not sufficiently funded and started by that date.

Unless later the legislation extends this program, this bill sunset the Office and the study on January 1, 2016.

Analysis:

The Children's Partnership (TCP) is the sponsor of this bill. TCP says that this legislation is meant to help begin to address dental health access in California, especially its impact on children.

Currently, the Oral Health Unit within the DPH (formerly the Office of Oral Health), currently has one staff and among other functions, is charged with maintaining a dental program that develops a comprehensive dental health, and encourages, supports and augments the efforts of city and county health departments in the implementation of a dental health component. This bill eliminates this unit and will replace it with the Statewide Office of Oral Health.

The sources of public funding related to this bill have not been specified.

TYPE OF BILL

Active
Non-Urgency
Non-Appropriations
Majority Vote Required

Non-State-Mandated Local Program
Fiscal
Non-Tax Levy

ATTACHED:

1) Language

COMMITTEE POSITION:

SUPPORT: _____
NEUTRAL: _____

OPPOSE: _____
WATCH: _____

AMENDED IN SENATE JANUARY 25, 2012

AMENDED IN SENATE JANUARY 12, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 694

Introduced by Senator Padilla
(Coauthors: Senators Emmerson and Price)

February 18, 2011

An act to ~~repeal, add, and repeal Article 2 (commencing with Section 104750) of~~ *add Section 104766 to, to add Article 2.5 (commencing with Section 104767) to* Chapter 3 of Part 3 of Division 103 of, *and to repeal Section 104767.1 of,* the Health and Safety Code, relating to dental care.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as amended, Padilla. Dental care.

Existing law requires the State Department of Public Health to maintain a dental program that includes, but is not limited to, development of comprehensive dental health plans within the framework of a specified state plan.

This bill would ~~repeal~~ *make* these provisions ~~and would provide for inoperative for a specified period of time upon~~ the creation of a Statewide Office of Oral Health within the State Department of Public Health with a licensed dentist who serves as the dental director. This bill would provide that no General Fund moneys shall be used to implement ~~these~~ *the* provisions *creating the office*, but would authorize the state to accept other public and private funds for the purpose of implementing these provisions, and would provide that these provisions become inoperative, as specified, if ~~federal~~ *other public* or private funds

are not deposited with the state in an amount sufficient to fully support the activities of the office. *This bill would authorize the office to conduct a specified study under described circumstances.*

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 all of the
2 following:

3 (a) Nationally and statewide, tooth decay ranks as the most
4 common chronic disease and unmet health care need of children.

5 (b) Poor dental health can disrupt normal childhood
6 development, seriously damage overall health, and impair a child's
7 ability to learn, concentrate, and perform well in school. In rare
8 cases, untreated tooth decay can lead to death.

9 (c) Unmet dental needs have significant human and financial
10 costs. In 2007, it was estimated that California schools lost nearly
11 thirty million dollars (\$30,000,000) in attendance-based school
12 district funding due to 874,000 missed school days related to dental
13 problems; and California's hospitals experienced over 83,000
14 emergency room visits for preventable dental problems at a cost
15 of fifty-five million dollars (\$55,000,000).

16 (d) With full implementation of the federal Patient Protection
17 and Affordable Care Act (Public Law 111-148), approximately
18 1.2 million additional children in California are expected to gain
19 dental coverage.

20 (e) The burden of oral disease can be markedly decreased
21 through early intervention, including education, prevention, and
22 treatment. Effective prevention reduces the need for costly
23 treatment of advanced dental disease.

24 (f) To address this unmet need, a comprehensive coordinated
25 strategy is necessary, at the foundation of which is a strong state
26 oral health infrastructure to coordinate essential public dental health
27 functions, including assessing need and capacity to address that
28 need.

29 ~~SEC. 2. Article 2 (commencing with Section 104750) of~~
30 ~~Chapter 3 of Part 3 of Division 103 of the Health and Safety Code~~
31 ~~is repealed.~~

1 SEC. 2. Section 104766 is added to the Health and Safety Code,
2 to read:

3 104766. This article shall become inoperative on the date the
4 Department of Finance memorializes in writing, pursuant to
5 paragraph (2) of subdivision (e) of Section 104767, that sufficient
6 funds have been deposited with the state to establish the Statewide
7 Office of Oral Health, and shall become operative again on the
8 date the Department of Finance memorializes in writing, pursuant
9 to paragraph (2) of subdivision (f) of Section 104767, that the
10 office has not secured sustainable funding sources to maintain the
11 activities of the office, or on January 1, 2016, whichever occurs
12 first.

13 SEC. 3. Article 22.5 (commencing with Section
14 ~~104750~~104767) is added to Chapter 3 of Part 3 of Division 103
15 of the Health and Safety Code, to read:

16
17 Article 22.5. Statewide Office of Oral Health

18
19 ~~104750.~~

20 104767. (a) There shall be a Statewide Office of Oral Health
21 within the State Department of Public Health.

22 (b) Within the office there shall be a licensed dentist who serves
23 as the dental director.

24 (c) The dental director and his or her staff shall have all of, but
25 not be limited to, the following responsibilities:

26 (1) Advancing and protecting the oral health of all Californians.

27 (2) Developing a comprehensive and sustainable state oral health
28 action plan to address the state's unmet oral health needs.

29 (3) Encouraging private and public collaboration to meet the
30 oral health needs of Californians.

31 (4) Securing funds to support infrastructure and statewide and
32 local programs.

33 (5) Promoting evidence-based approaches to increase oral health
34 literacy.

35 (6) Establishing a system for surveillance and oral health
36 reporting.

37 (d) The state may accept public funds and private funds for the
38 purpose of implementing this article.

39 (e) (1) No General Fund moneys shall be used for purposes of
40 this section. Moneys to fund the office shall be secured from other

1 *public or private sources. The Department of Finance shall, on*
 2 *January 1, 2014, and annually thereafter, make a determination*
 3 *regarding the funding status of the office. Moneys needed to*
 4 *sufficiently fund and commence the study pursuant to Section*
 5 *104767.1 shall not be considered for purposes of determining the*
 6 *funding status of the office pursuant to this paragraph.*

7 ~~(e) (1)~~

8 (2) The office shall be established pursuant to this section only
 9 after a determination has been made by the Department of Finance
 10 that ~~federal~~ *public* or private funds in an amount sufficient to fully
 11 support the activities of the office, including staffing the office,
 12 have been deposited with the state. *If the Department of Finance*
 13 *makes a determination that sufficient funding has been secured to*
 14 *establish the office, the Department of Finance shall file a written*
 15 *statement with the Secretary of the Senate, the Chief Clerk of the*
 16 *Assembly, and the Legislative Counsel memorializing that this*
 17 *determination has been made.*

18 ~~(2) No General Fund moneys shall be used to fund this section.~~
 19 ~~Moneys to fund the office shall be secured from other public or~~
 20 ~~private sources. If the Department of Finance makes a~~
 21 ~~determination that the amount of federal or private funds deposited~~
 22 ~~with the state is not sufficient to support the activities of the office,~~
 23 ~~it is the intent of the Legislature that this section become~~
 24 ~~inoperative.~~

25 (f) (1) If the office is established pursuant to this section, the
 26 office shall assume responsibility for identifying and securing
 27 funding sources in order to maintain the functions of the office.

28 (2) ~~If the Department of Finance makes a determination that~~
 29 ~~the office does not secure~~ *has not secured* sustainable funding
 30 sources to maintain the activities of the office pursuant to paragraph
 31 (1), ~~this section shall become inoperative on January 1, 2016~~ *the*
 32 *Department of Finance shall file a written statement with the*
 33 *Secretary of the Senate, the Chief Clerk of the Assembly, and the*
 34 *Legislative Counsel memorializing that this determination has*
 35 *been made.*

36 (g) *This section shall become inoperative on January 1, 2016.*

37 ~~104751.~~

38 *104767.1.* (a) The Legislature finds and declares that, as part
 39 of a comprehensive integrated system of dental care, with the
 40 dentist as the head of that system, additional dental providers who

1 provide basic preventive and restorative oral health care to
2 underserved children, located at or near where children live or go
3 to school, may have the potential to reduce the oral health disease
4 burden in the population most in need.

5 (b) The office may design and implement a scientifically
6 rigorous study to assess the safety, quality, cost-effectiveness, and
7 patient satisfaction of ~~irreversible~~ *expanded* dental procedures
8 ~~performed by traditional and nontraditional providers~~ for the
9 purpose of informing future decisions about ~~scope of practice~~
10 ~~changes in the dental workforce that include irreversible or surgical~~
11 ~~procedures~~ *how to meet the state's unmet oral health need for the*
12 *state's children*. The research parameters of the study shall include
13 public health settings, multiple models of dentist supervision,
14 multiple pathways of education and training, and multiple dental
15 providers, ~~including dentists and nondentists~~. *Procedures*
16 *performed during the study shall be performed only by providers*
17 *within the confines of a university-based study*.

18 (c) The dental director shall convene an advisory group on study
19 design and implementation. *The advisory group shall be comprised*
20 *of representatives of all dental practices, including traditional and*
21 *nontraditional, as well as nondentists*.

22 (d) The dental director shall provide input regarding study design
23 and implementation, receive all study data and reports, and develop
24 a report and recommendations to be submitted to the Legislature
25 based on the study findings. *The dental director shall also consult*
26 *with the Legislative Analyst's Office in designing the study and*
27 *selecting any contractors*.

28 (e) ~~(1)~~ There shall be no General Fund moneys used to
29 implement this section. Moneys to fund the study, including
30 analysis and findings, *and all procedures administered by providers*
31 *during the study*, shall be secured from other public or private
32 sources. *No one provider group or interest group may provide*
33 *more than half the private funding for the study*.

34 ~~(2)~~ ~~All procedures administered by providers during the study~~
35 ~~shall be paid for by private or federal funds. No General Fund~~
36 ~~moneys shall be used to fund procedures performed as part of the~~
37 ~~study.~~

38 (f) ~~In the event that~~ *Notwithstanding subdivision (g), if* the study
39 described in this section is not sufficiently funded and commenced

1 by January 1, 2014, this section shall become inoperative on
2 January 1, 2014.

3 *(g) This section shall remain in effect only until January 1, 2016,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2016, deletes or extends that date.*

6 ~~104752. This article shall become inoperative on January 1,~~
7 ~~2016, and as of that date is repealed, unless a later enacted statute,~~
8 ~~that is enacted before January 1, 2016, deletes or extends that date.~~



| | |
|----------------------------------|---|
| Bill Number: SB 1202 | AUTHOR: Senate Member LENO |
| SPONSOR: | VERSION: 03/29/12 |
| INTRODUCED: FEB 22, 2012 | BILL STATUS : 3/29/12 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E.D. Referred to Com on B.P. & ED. Hearing date 4/9/12 |
| BILL LOCATION: Senate | HISTORY: 03/28/01 set for hearing; 03/01/12 Referred to Com. on B., P. & E.D; 02/23/12 From printer. May be acted upon on or after March 24.; 02/22/12 introduced Read first time. To Com on RLS for assignment. To print. |
| AGENDA ITEM: 6 | |
| SUBJECT: Dental Hygienist | |

SUMMARY

This legislation addresses many of the changes to the statute that the Committee sought after reviewing DHCC laws in 2010. The following changes are included in this legislation:

- A registered dental hygienist licensed in another state would be able to teach in a California dental hygiene college without being licensed in California if they have a special permit issued by the DHCC. (Section 1902.3)
- Approve educational programs for dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienist in extended functions. (Section 1905)
- Initial licensure requirements (Section 1917(f))
- Licensure Requirements for Licensure By Credential (LBC) (Section 1917.1)
- Any examinee for a registered dental hygienist license who fails to pass the state clinical exam in three attempts or who fails to pass the state clinical examination as a result of imposing gross trauma on a patient cannot be eligible for further examination until they successfully complete remedial education at either an approved dental hygiene program or a comparable organization approved by the committee. (Section 1917.3)
- Approval for a Registered Dental Hygienist in Alternative Practice to operate a mobile dental hygiene clinic. (Section 1926.1)
- Registration of one mobile dental hygiene clinic as a dental hygiene office by a registered dental hygienist in alternative practice. (Section 1926.2)
- Registration of place(s) of practice by a registered dental hygienist in alternative practice. (Section 1926.3)
- Registration of additional offices to practice for a registered dental hygienist in alternative practice. (Section 1926.4)
- Authorization for the committee to take action against a RDHAP for unprofessional conduct. (1931(c)(2))
- Authorization to adopt regulations concerning continued competency as condition of license renewal. (Section 1936.1(c))
- Approval of extramural dental facility for education use by an approved dental hygiene educational program. (Section 1942)
- Fees (Section 1944)

Analysis: This bill contains other related provisions and other existing laws.

TYPE OF BILL

Active
Non-Urgency
Non-Appropriations
Majority Vote Required

Non-State-Mandated Local Program
Fiscal
Non-Tax Levy

ATTACHED:

1) Language

COMMITTEE POSITION:

SUPPORT: _____

OPPOSE: _____

NEUTRAL: _____

WATCH: _____

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1202

Introduced by Senators Leno and Wyland

February 22, 2012

An act to amend Sections 1905, 1917, 1917.1, *1931*, 1936.1, and 1944 of, and to add Sections 1902.3, 1917.3, 1926.1, 1926.2, 1926.3, ~~and~~ 1926.4, *and 1942* to, the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 1202, as amended, Leno. Dental hygienists.

Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions by the Dental Hygiene Committee of California (committee) within the Dental Board of California. Existing law authorizes the committee to appoint an executive officer to perform duties delegated by the committee.

(1) The committee performs various functions, including, but not limited to, the evaluation of all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions educational programs that apply for approval. Under existing law, any dental hygiene program accredited by and in good standing with the Commission on Dental Accreditation is required to be approved by the committee. Existing law also authorizes the committee to employ employees and examiners.

This bill would instead authorize any such dental hygiene program to be approved by the committee. The bill would additionally authorize the committee to employ consultants and would authorize the committee

to establish an advisory committee to provide the committee with information about the state clinical examination.

(2) Under existing law, the committee is required to grant a registered dental hygienist license to any person meeting certain requirements, including the completion of a specified educational program, satisfactory performance on various related examinations, and the submission of a completed application and the payment of a fee.

This bill would additionally require an applicant for licensure as a registered dental hygienist to satisfactorily complete committee-approved instruction in gingival soft tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia. The bill would authorize the committee to issue a special permit to a registered dental hygienist licensed in another state authorizing him or her to teach in a dental hygiene program without being licensed by this state if certain requirements are met, including the completion of educational requirements and the payment of an application fee.

(3) Existing law authorizes the committee to grant a license as a registered dental hygienist to an applicant who has not taken the specified clinical examination, if the applicant submits certain information to the committee, including, but not limited to, proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in a specified program for at least 5 years preceding the date of the application and proof that the applicant has not been subject to disciplinary action by another state where he or she was previously licensed as a registered dental hygienist or dental hygienist.

This bill would require that proof of prior experience to have been obtained at least 5 years immediately preceding the applicant's date of application and would expand that proof relating to disciplinary action to include any other state where the applicant was previously issued any professional or vocational license.

(4) Except as specified, existing law prohibits an agency in the department, including the committee, on the basis of an applicant's failure to successfully complete prior examinations, from imposing any additional limitations or requirements on any applicant who wishes to participate in subsequent examinations.

This bill would prohibit an examinee for a registered dental hygiene license who either fails to pass the state clinical examination after 3 attempts or fails to pass the examination because he or she imposed

gross trauma on a patient from being eligible for further reexamination until the examinee completes specified remedial education.

(5) The committee is required to grant a registered dental hygienist in alternative practice license to any person meeting certain requirements, including satisfactory performance on a specified examination, the submission of an application, and the payment of application fees. Under existing law, a registered dental hygienist in alternative practice may perform specified functions and procedures in residences of the homebound, schools, residential facilities, and dental health professional shortage areas.

This bill would require a registered dental hygienist in alternative practice to register his or her place or places of practice, within a specified timeframe, with the executive officer. The bill would require a registered dental hygienist in alternative practice to receive permission from the committee, subject to a biennial renewal fee, to have an additional place of practice. The bill would authorize a registered dental hygienist in alternative practice to operate a mobile dental hygiene clinic under certain circumstances if various requirements are met, including the payment of a fee not to exceed \$250, pursuant to regulations adopted by the committee.

(6) Under existing law, if a registered dental hygienist in alternative practice provides dental hygiene services to a patient 18 months after the first date that her or she provided services to the patient, he or she is required to obtain written verification, including a written prescription for dental hygiene services, issued by a dentist or physician and surgeon licensed to practice in this state. Existing law provides that a registered dental hygienist in alternative practice who provides those services in violation of these provisions has engaged in unprofessional conduct and that the committee shall seek an injunction against him or her. Existing law provides circumstances under which the committee may revoke or suspend a license to practice dental hygiene.

This bill would instead authorize the committee to seek an injunction under those circumstances and specify that a violation by a registered dental hygienist in alternative practice of the requirement to obtain a prescription, as specified above, before providing those services is reason for the committee to revoke or suspend his or her license.

~~(6)~~

(7) Under existing law, the committee may also, as a condition of license renewal, require licensees to complete a portion of the required continuing education hours in specific areas, and the committee may

prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. Existing law provides that this mandatory coursework shall not exceed 7.5 hours per renewal period. Existing law requires course providers to be approved by the committee and specifies that providers approved by the Dental Board of California shall be deemed approved by the committee.

This bill would provide that the mandatory coursework shall not exceed 10 hours per renewal period and also would specify instead that providers approved by the Dental Board of California may be deemed approved by the committee. The bill would authorize the committee to adopt by regulation a measure of continued competency as a condition of license renewal.

(7)

(8) Under existing law, the committee is required to establish by resolution the amount of the fees, *subject to respective maximum fee amounts established by existing law*, that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions subject to certain limitations.

This bill would increase the ~~maximum amount of fees~~ *respective maximum fee amounts within which the committee shall establish fee amounts* for an original license and the biennial renewal fee for such a license, and would also increase the maximum fee amount for curriculum review and site evaluation for specified educational programs, as specified. The bill would *define the term “extramural dental facility”* and also establish a fee for certification of licensure and registration of an extramural dental facility.

(8)

(9) This bill would make various technical, nonsubstantive, and conforming changes.

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. Section 1902.3 is added to the Business and
- 2 Professions Code, to read:
- 3 1902.3. A registered dental hygienist licensed in another state
- 4 may teach in a dental hygiene college without being licensed in
- 5 this state if he or she has a special permit. The committee may

1 issue a special permit to practice dental hygiene in a discipline at
2 a dental hygiene college in this state to any person who submits
3 an application and satisfies all—*if of* the following eligibility
4 requirements:

5 (a) Furnishing satisfactory evidence of having a pending contract
6 with a California dental hygiene college approved by the committee
7 as a full-time professor, an associate professor, or an assistant
8 professor.

9 (b) Furnishing satisfactory evidence of having graduated from
10 a dental hygiene college approved by the committee.

11 (c) Furnishing satisfactory evidence of having been certified as
12 a diplomate of a specialty committee or, in lieu thereof, establishing
13 his or her qualifications to take a specialty committee examination
14 or furnishing satisfactory evidence of having completed an
15 advanced educational program in a discipline from a dental hygiene
16 college approved by the committee.

17 (d) Furnishing satisfactory evidence of having successfully
18 completed an examination in California law and ethics developed
19 and administered by the committee.

20 (e) Paying an application fee as provided by Section 1944.

21 SEC. 2. Section 1905 of the Business and Professions Code is
22 amended to read:

23 1905. (a) The committee shall perform the following functions:

24 (1) Evaluate all registered dental hygienist, registered dental
25 hygienist in alternative practice, and registered dental hygienist in
26 extended functions educational programs that apply for approval
27 and grant or deny approval of those applications in accordance
28 with regulations adopted by the committee. Any such educational
29 programs approved by the dental board on or before June 30, 2009,
30 shall be deemed approved by the committee. Any dental hygiene
31 program accredited and in good standing by the Commission on
32 Dental Accreditation may be approved.

33 (2) Withdraw or revoke its prior approval of a registered dental
34 hygienist, registered dental hygienist in alternative practice, or
35 registered dental hygienist in extended functions educational
36 program in accordance with regulations adopted by the committee.
37 The committee may withdraw or revoke a dental hygiene program
38 approval if the program has been placed on probationary status by
39 the Commission on Dental Accreditation.

1 (3) Review and evaluate all registered dental hygienist,
2 registered dental hygienist in alternative practice, and registered
3 dental hygienist in extended functions applications for licensure
4 to ascertain whether the applicant meets the appropriate licensing
5 requirements specified by statute and regulations, maintain
6 application records, cashier application fees, issue and renew
7 licenses, and perform any other tasks that are incidental to the
8 application and licensure processes.

9 (4) Determine the appropriate type of license examination
10 consistent with the provisions of this article, and develop or cause
11 to be developed and administer examinations in accordance with
12 regulations adopted by the committee.

13 (5) Determine the amount of fees assessed under this article,
14 not to exceed the actual cost.

15 (6) Determine and enforce the continuing education
16 requirements specified in Section 1936.1.

17 (7) Deny, suspend, or revoke a license under this article, or
18 otherwise enforce the provisions of this article. Any such
19 proceedings shall be conducted in accordance with Chapter 5
20 (commencing with Section 11500) of Part 1 of Division 3 of Title
21 2 of the Government Code, and the committee shall have all of
22 the powers granted therein.

23 (8) Make recommendations to the dental board regarding dental
24 hygiene scope of practice issues.

25 (9) Adopt, amend, and revoke rules and regulations to implement
26 the provisions of this article, including the amount of required
27 supervision by a registered dental hygienist, a registered dental
28 hygienist in alternative practice, or a registered dental hygienist
29 in extended functions of a registered dental assistant.

30 (b) The committee may employ employees, examiners, and
31 consultants that it deems necessary to carry out its functions and
32 responsibilities under this article.

33 (c) The committee may establish an advisory committee to
34 provide information about the state clinical examination to the
35 committee as requested by the committee.

36 SEC. 3. Section 1917 of the Business and Professions Code is
37 amended to read:

38 1917. The committee shall grant initial licensure as a registered
39 dental hygienist to a person who satisfies all of the following
40 requirements:

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

5 (b) Satisfactory performance on the state clinical examination,
6 or satisfactory completion of the dental hygiene examination given
7 by the Western Regional Examining Board or any other clinical
8 dental hygiene examination approved by the committee.

9 (c) Satisfactory completion of the National *Board* Dental
10 Hygiene ~~Board examination~~ *Examination*.

11 (d) Satisfactory completion of the examination in California
12 law and ethics as prescribed by the committee.

13 (e) Submission of a completed application form and all fees
14 required by the committee.

15 (f) Satisfactory completion of committee-approved instruction
16 in gingival soft tissue curettage, nitrous oxide-oxygen analgesia,
17 and local anesthesia.

18 SEC. 4. Section 1917.1 of the Business and Professions Code
19 is amended to read:

20 1917.1. (a) The committee may grant a license as a registered
21 dental hygienist to an applicant who has not taken a clinical
22 examination before the committee, if the applicant submits all of
23 the following to the committee:

24 (1) A completed application form and all fees required by the
25 committee.

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

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

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

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

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

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

8 (4) Satisfactory performance on a California law and ethics
9 examination and any examination that may be required by the
10 committee.

11 (5) Proof that the applicant has not been subject to disciplinary
12 action by any state in which he or she is or has been previously
13 issued any professional or vocational license. If the applicant has
14 been subject to disciplinary action, the committee shall review that
15 action to determine if it warrants refusal to issue a license to the
16 applicant.

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

19 (7) Proof of satisfactory completion of the *National Board*
20 ~~Dental Hygiene National Board~~ Examination and of a state or
21 regional clinical licensure examination.

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

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

33 (10) Any other information as specified by the committee to
34 the extent that it is required of applicants for licensure by
35 examination under this article.

36 (b) The committee may periodically request verification of
37 compliance with the requirements of paragraph (3) of subdivision
38 (a), and may revoke the license upon a finding that the employment
39 requirement or any other requirement of paragraph (3) of
40 subdivision (a) has not been met.

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

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

5 (2) Any not-for-profit clinics, public hospitals, and accredited
6 dental hygiene education programs seeking to contract with
7 licensees for dental hygiene service delivery or training purposes.

8 (d) The committee shall review the impact of this section on
9 the availability of actively practicing registered dental hygienists
10 in California and report to the appropriate policy and fiscal
11 committees of the Legislature by January 1, 2012. The report shall
12 include a separate section providing data specific to registered
13 dental hygienists who intend to fulfill the alternative clinical
14 practice requirements of subdivision (a). The report shall include,
15 but shall not be limited to, the following:

16 (1) The number of applicants from other states who have sought
17 licensure.

18 (2) The number of registered dental hygienists from other states
19 licensed pursuant to this section, the number of licenses not
20 granted, and the reason why the license was not granted.

21 (3) The practice location of registered dental hygienists licensed
22 pursuant to this section. In identifying a registered dental
23 hygienist's location of practice, the committee shall use medical
24 service study areas or other appropriate geographic descriptions
25 for regions of the state.

26 (4) The number of registered dental hygienists licensed pursuant
27 to this section who establish a practice in a rural area or in an area
28 designated as having a shortage of practicing registered dental
29 hygienists or no registered dental hygienists or in a safety net
30 facility identified in paragraph (3) of subdivision (a).

31 (5) The length of time registered dental hygienists licensed
32 pursuant to this section practiced in the reported location.

33 SEC. 5. Section 1917.3 is added to the Business and Professions
34 Code, to read:

35 1917.3. Notwithstanding Section 135, an examinee for a
36 registered dental hygienist license who either fails to pass the state
37 clinical examination required by Section 1917 after three attempts
38 or fails to pass the state clinical examination as a result of a single
39 incidence of imposing gross trauma on a patient shall not be
40 eligible for further reexamination until the examinee has

1 successfully completed remedial education at an approved dental
2 hygiene program or a comparable organization approved by the
3 committee.

4 SEC. 6. Section 1926.1 is added to the Business and Professions
5 Code, to read:

6 1926.1. Notwithstanding any other provision of law, a
7 registered dental hygienist in alternative practice may operate a
8 mobile dental hygiene clinic provided by his or her property and
9 casualty insurer as a temporary substitute site for the practice
10 registered by him or her pursuant to Section 1926.3, if both of the
11 following requirements are met:

12 (a) The licensee’s registered place of practice has been rendered
13 and remains unusable due to loss or calamity.

14 (b) The licensee’s insurer registers the mobile dental hygiene
15 clinic with the committee in compliance with Section 1926.3.

16 SEC. 7. Section 1926.2 is added to the Business and Professions
17 Code, to read:

18 1926.2. (a) Notwithstanding any other provision of law, a
19 registered dental hygienist in alternative practice may operate one
20 mobile dental hygiene clinic registered as a dental hygiene office
21 or facility. The owner or operator of the mobile dental hygiene
22 clinic or unit shall be registered and operated in accordance with
23 regulations established by the committee, which regulations shall
24 not be designed to prevent or lessen competition in service areas,
25 and shall pay the fees described in Section 1944.

26 (b) A mobile service unit, as defined in subdivision (b) of
27 Section 1765.105 of the Health and Safety Code, and a mobile
28 unit operated by an entity that is exempt from licensure pursuant
29 to subdivision (b), (c), or (h) of Section 1206 of the Health and
30 Safety Code, are exempt from this article and Article 3.5
31 (commencing with Section 1658). Notwithstanding this exemption,
32 the owner or operator of the mobile unit shall notify the committee
33 within 60 days of the date on which dental hygiene services are
34 first delivered in the mobile unit, or the date on which the mobile
35 unit’s application pursuant to Section 1765.130 of the Health and
36 Safety Code is approved, whichever is earlier.

37 (c) A licensee practicing in a mobile unit described in
38 subdivision (b) is not subject to subdivision (a) as to that mobile
39 unit.

1 SEC. 8. Section 1926.3 is added to the Business and Professions
2 Code, to read:

3 1926.3. Every person who is now or hereafter licensed as a
4 registered dental hygienist in alternative practice in this state shall
5 register with the executive officer, on forms prescribed by the
6 committee, his or her place of practice, or, if he or she has more
7 than one place of practice pursuant to Section 1926.4, all of the
8 places of practice. If he or she has no place of practice, he or she
9 shall so notify the executive officer. A person licensed by the
10 committee shall register with the executive officer within 30 days
11 after the date of the issuance of his or her license as a registered
12 dental hygienist in alternative practice.

13 SEC. 9. Section 1926.4 is added to the Business and Professions
14 Code, to read:

15 1926.4. When a registered dental hygienist in alternative
16 practice has a license and desires to have more than one place of
17 practice, he or she shall, prior to the opening of the additional
18 office, apply to the committee, pay the fee required by Section
19 1944, and obtain permission in writing from the committee to have
20 the additional place of practice, subject to a biennial renewal fee
21 described in Section 1944.

22 *SEC. 10. Section 1931 of the Business and Professions Code*
23 *is amended to read:*

24 1931. (a) (1) A dental hygienist in alternative practice may
25 provide services to a patient without obtaining written verification
26 that the patient has been examined by a dentist or physician and
27 surgeon licensed to practice in this state.

28 (2) If the dental hygienist in alternative practice provides
29 services to a patient 18 months or more after the first date that he
30 or she provides services to a patient, he or she shall obtain written
31 verification that the patient has been examined by a dentist or
32 physician and surgeon licensed to practice in this state. The
33 verification shall include a prescription for dental hygiene services
34 as described in subdivision (b). ~~Failure to comply with this~~
35 ~~paragraph or subdivision (b) shall be considered unprofessional~~
36 ~~conduct.~~

37 (b) A registered dental hygienist in alternative practice may
38 provide dental hygiene services for a patient who presents to the
39 registered dental hygienist in alternative practice a written
40 prescription for dental hygiene services issued by a dentist or

1 physician and surgeon licensed to practice in this state. The
2 prescription shall be valid for a time period based on the dentist's
3 or physician and surgeon's professional judgment, but not to exceed
4 two years from the date it was issued.

5 (c) (1) The committee ~~shall~~ *may* seek to obtain an injunction
6 against any registered dental hygienist in alternative practice who
7 provides services pursuant to this section, if the committee has
8 reasonable cause to believe that the services are being provided to
9 a patient who has not received a prescription for those services
10 from a dentist or physician and surgeon licensed to practice in this
11 state.

12 (2) *Providing services pursuant to this section without obtaining*
13 *a prescription in accordance with subdivision (b) shall constitute*
14 *unprofessional conduct on the part of the registered dental*
15 *hygienist in alternative practice, and reason for the committee to*
16 *revoke or suspend the license of the registered dental hygienist in*
17 *alternative practice pursuant to Section 1947.*

18 ~~SEC. 10.~~

19 *SEC. 11.* Section 1936.1 of the Business and Professions Code
20 is amended to read:

21 1936.1. (a) If the committee determines that the public health
22 and safety would be served by requiring all holders of licenses
23 under this article to continue their education after receiving a
24 license, the committee may require, as a condition of license
25 renewal, that licensees submit assurances satisfactory to the
26 committee that they will, during the succeeding two-year period,
27 inform themselves of the developments in the practice of dental
28 hygiene occurring since the original issuance of their licenses by
29 pursuing one or more courses of study satisfactory to the
30 committee, or by other means deemed equivalent by the committee.
31 The committee shall adopt, amend, and revoke regulations
32 providing for the suspension of the licenses at the end of the
33 two-year period until compliance with the assurances provided for
34 in this section is accomplished.

35 (b) The committee may also, as a condition of license renewal,
36 require licensees to successfully complete a portion of the required
37 continuing education hours in specific areas adopted in regulations
38 by the committee. The committee may prescribe this mandatory
39 coursework within the general areas of patient care, health and
40 safety, and law and ethics. The mandatory coursework prescribed

1 by the committee shall not exceed 10 hours per renewal period.
2 Any mandatory coursework required by the committee shall be
3 credited toward the continuing education requirements established
4 by the committee pursuant to subdivision (a).

5 (c) The committee may also adopt by regulation a measure of
6 continued competency as a condition of license renewal.

7 (d) The providers of courses referred to in this section shall be
8 approved by the committee. Providers approved by the board may
9 be deemed approved by the committee.

10 *SEC. 12. Section 1942 is added to the Business and Professions*
11 *Code, to read:*

12 *1942. (a) As used in this article “extramural dental facility”*
13 *means any clinical facility employed by an approved dental hygiene*
14 *educational program for instruction in dental hygiene which exists*
15 *outside or beyond the walls, boundaries, or precincts of the primary*
16 *campus of the approved program and in which dental hygiene*
17 *services are rendered.*

18 *(b) An approved dental hygiene educational program shall*
19 *register an extramural dental facility with the committee. That*
20 *registration shall be accompanied by information supplied by the*
21 *dental hygiene program pertaining to faculty supervision, scope*
22 *of treatment to be rendered, name and location of the facility, date*
23 *on which the operation will commence, discipline of which the*
24 *instruction is a part, and a brief description of the equipment and*
25 *facilities available. The foregoing information shall be*
26 *supplemented by a copy of the agreement between the approved*
27 *dental hygiene educational program or parent university, and the*
28 *affiliated institution establishing the contractual relationship. Any*
29 *change in the information initially provided to the committee shall*
30 *be communicated to the committee.*

31 ~~SEC. 11.~~

32 *SEC. 13. Section 1944 of the Business and Professions Code*
33 *is amended to read:*

34 *1944. (a) The committee shall establish by resolution the*
35 *amount of the fees that relate to the licensing of a registered dental*
36 *hygienist, a registered dental hygienist in alternative practice, and*
37 *a registered dental hygienist in extended functions. The fees*
38 *established by board resolution in effect on June 30, 2009, as they*
39 *relate to the licensure of registered dental hygienists, registered*
40 *dental hygienists in alternative practice, and registered dental*

1 hygienists in extended functions, shall remain in effect until
2 modified by the committee. The fees are subject to the following
3 limitations:

4 (1) The application fee for an original license shall not exceed
5 two hundred fifty dollars (\$250).

6 (2) The fee for examination for licensure as a registered dental
7 hygienist shall not exceed the actual cost of the examination.

8 (3) For third- and fourth-year dental students, the fee for
9 examination for licensure as a registered dental hygienist shall not
10 exceed the actual cost of the examination.

11 (4) The fee for examination for licensure as a registered dental
12 hygienist in extended functions shall not exceed the actual cost of
13 the examination.

14 (5) The fee for examination for licensure as a registered dental
15 hygienist in alternative practice shall not exceed the actual cost of
16 administering the examination.

17 (6) The biennial renewal fee shall not exceed two hundred fifty
18 dollars (\$250).

19 (7) The delinquency fee shall not exceed one-half of the renewal
20 fee. Any delinquent license may be restored only upon payment
21 of all fees, including the delinquency fee, and compliance with all
22 other applicable requirements of this article.

23 (8) The fee for issuance of a duplicate license to replace one
24 that is lost or destroyed, or in the event of a name change, shall
25 not exceed twenty-five dollars (\$25) or one-half of the renewal
26 fee, whichever is greater.

27 (9) The fee for certification of licensure shall not exceed the
28 renewal fee.

29 (10) The fee for each curriculum review and site evaluation for
30 educational programs for dental hygienists who are not accredited
31 by a committee-approved agency shall not exceed two thousand
32 one hundred dollars (\$2,100).

33 (11) The fee for each review of courses required for licensure
34 that are not accredited by a committee-approved agency, the
35 Council for Private Postsecondary and Vocational Education, or
36 the Chancellor's Office of the California Community Colleges
37 shall not exceed three hundred dollars (\$300).

38 (12) The *initial application and biennial* fee for a provider of
39 continuing education shall not exceed five hundred dollars (\$500).

1 (13) The amount of fees payable in connection with permits
2 issued under Section 1962 is as follows:

3 (A) The initial permit fee is an amount equal to the renewal fee
4 for the applicant's license to practice dental hygiene in effect on
5 the last regular renewal date before the date on which the permit
6 is issued.

7 (B) If the permit will expire less than one year after its issuance,
8 then the initial permit fee is an amount equal to 50 percent of the
9 renewal fee in effect on the last regular renewal date before the
10 date on which the permit is issued.

11 (b) The renewal and delinquency fees shall be fixed by the
12 committee by resolution at not more than the current amount of
13 the renewal fee for a license to practice under this article nor less
14 than five dollars (\$5).

15 (c) Fees fixed by the committee by resolution pursuant to this
16 section shall not be subject to the approval of the Office of
17 Administrative Law.

18 (d) Fees collected pursuant to this section shall be collected by
19 the committee and deposited into the State Dental Hygiene Fund,
20 which is hereby created. All money in this fund shall, upon
21 appropriation by the Legislature in the annual Budget Act, be used
22 to implement the provisions of this article.

23 (e) No fees or charges other than those listed in this section shall
24 be levied by the committee in connection with the licensure of
25 registered dental hygienists, registered dental hygienists in
26 alternative practice, or registered dental hygienists in extended
27 functions.

28 (f) The fee for registration of an extramural dental facility shall
29 not exceed two hundred fifty dollars (\$250).

30 (g) The fee for a mobile dental hygiene unit shall not exceed
31 one hundred fifty dollars (\$150).

32 (h) The biennial renewal fee for a mobile dental hygiene unit
33 shall not exceed two hundred fifty dollars (\$250).

34 (i) The fee for an additional office permit shall not exceed two
35 hundred fifty dollars (\$250).

36 (j) The biennial renewal fee for an additional office as described
37 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

38 (k) The special permit fee is an amount equal to the biennial
39 renewal fee specified in paragraph (6) of subdivision (a).

1 *(l)* The fees in this section shall not exceed an amount sufficient
2 to cover the reasonable regulatory cost of carrying out the
3 provisions of this article.

O

Dental Hygiene Committee of California

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| | |
|---|--|
| Bill Number: SB 1575 | AUTHOR: Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Strickland, Vargas and Wyland |
| SPONSOR: | VERSION: 01/25/12 |
| INTRODUCED: MARCH 12, 2012 | BILL STATUS : 3/26/12 Referred to Com on B.P. & ED. |
| BILL LOCATION: Senate | HISTORY: 3/13/12 From printer. May be acted upon on or before April 12. 3/12/12 Introduced. Read first time. To Com.on RLS for assignment. To print. |
| AGENDA ITEM: 6 | |
| SUBJECT: Professions and Vocations | |

SUMMARY: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Under existing law, specified professions and vocations boards are required to require an applicant to furnish to the board a full set of fingerprints in order to conduct a criminal history record check.

Analysis: This bill would authorize such a board to request, and would require a local or state agency to provide, certified records of, among other things, all arrests and convictions needed by a board to complete an applicant or licensee investigation. This bill contains other related provisions and other existing laws.

TYPE OF BILL

Active
 Non-Urgency
 Non-Appropriations
 Majority Vote Required

State-Mandated Local Program
 Fiscal
 Non-Tax Levy

ATTACHED:

- 1) Language

COMMITTEE POSITION:

SUPPORT: _____

OPPOSE: _____

NEUTRAL: _____

WATCH: _____

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Strickland, Vargas, and Wyland)

March 12, 2012

An act to amend Sections 2021, 2064, 2184, 2220, 2424, 2516, 2518, 2904.5, 3057.5, 3742, 3750, 3750.5, 4980.04, 4980.34, 4980.398, 4980.399, 4980.78, 4980.80, 4984.4, 4989.16, 4989.42, 4992.07, 4992.09, 4996.6, 4999.22, 4999.32, 4999.57, 4999.58, 4999.59, 4999.90, 4999.106, and 4999.120 of, to add Section 144.5 to, and to repeal and amend Section 4999.45 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1575, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

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

(1) Under existing law, specified professions and vocations boards are required to require an applicant to furnish to the board a full set of fingerprints in order to conduct a criminal history record check.

This bill would authorize such a board to request, and would require a local or state agency to provide, certified records of, among other things, all arrests and convictions needed by a board to complete an applicant or licensee investigation.

(2) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and

surgeon's certificate to a licensed physician and surgeon. Existing law provides for the licensure and regulation of the practice of podiatric medicine by the California Board of Podiatric Medicine within the Medical Board of California.

Existing law requires the Medical Board of California and the California Board of Podiatric Medicine to provide written notification by certified mail to any physician and surgeon or podiatrist who does not renew his or her license within 60 days of expiration.

This bill would require the Medical Board of California and the California Board of Podiatric Medicine to provide that written notification either by certified mail or by electronic mail if requested by the licensee. The bill would require the Medical Board of California to annually send an electronic notice to all licensees and applicants requesting confirmation that his or her electronic mail address is current.

Existing law authorizes the Medical Board of California to take action against all persons guilty of violating the Medical Practice Act. Existing law requires the Medical Board of California to enforce and administer various disciplinary provisions as to physician and surgeon certificate holders.

This bill would specify that those certificate holders include those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders.

(3) Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensure and regulation of the practice of licensed midwifery by the Medical Board of California. A violation of the act is a crime. Under existing law, these licenses are subject to biennial renewal that includes the payment of a specified fee and the completion of specified continuing education.

This bill would exempt a licensee from those renewal requirements if the licensee has applied to the board and has been issued a retired status license. The bill would prohibit the holder of a retired status license from engaging in the practice of midwifery. Because a violation of that prohibition would constitute a crime, the bill would impose a state-mandated local program.

(4) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law provides that a licensed psychologist is a health care practitioner for purposes of specified telehealth provisions that concern

the delivery of health care via information and communication technologies.

This bill would instead provide that a licensed psychologist is a health care provider subject to those telehealth provisions.

(5) Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of the practice of respiratory care by the Respiratory Care Board of California.

Under existing law, during the period of any clinical training, a student respiratory care practitioner is required to be under the direct supervision, as defined, of a person holding a valid and current license.

This bill would require such a student to be under the direct supervision of a person with a valid, current, and unrestricted license.

Existing law authorizes the board to order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license for specified causes including a pattern of substandard care.

This bill would expand that provision to also include negligence in the licensee's practice as a respiratory care practitioner, or in any capacity as a health care worker, consultant, supervisor, manager or health facility owner, or as a party responsible for the care of another.

Existing law authorizes the board to deny, suspend, place on probation, or revoke the license of any applicant or licenseholder who has obtained, possessed, used, or administered to himself or herself, or furnished or administered to another, any controlled substances or dangerous drug, except as directed by a specified health care provider.

This bill would also make illegally possessing any associated paraphernalia a ground for the denial, suspension, placing on probation, or revocation of a license.

(6) Under existing law, the Board of Behavioral Sciences is responsible for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors.

Under existing law, a license that is not renewed within 3 years after its expiration may not be renewed. However, the former licensee is authorized to apply for and obtain a new license if certain requirements are met, including, but not limited to, passing one or more current licensing examinations, as specified and submitting certain fees.

This bill would additionally require a former licensee to comply with the fingerprint requirements established by board regulation or as directed by the board.

(A) Existing law, the Marriage and Family Therapist Act, with respect to applicants for licensure or registration by reciprocity or for those applicants who obtained education or experience outside of California that apply on and after January 1, 2014, existing law provides that education is substantially equivalent if certain requirements are met, including the completion of a course in California law and professional ethics.

This bill would require that course to be 18 hours in length.

For persons who apply for licensure between January 1, 2010, and December 31, 2013, existing law authorizes the board to issue a license to a person who holds a valid license from another state if certain requirements are met, including the completion of specified coursework or training. Existing law provides that an applicant who completed a specified course in law and professional ethics is required to complete an 18-hour course in California law and professional ethics.

This bill would instead specify that an 18-hour course in California law and professional ethics is only required if the above specified course in law and professional ethics does not meet certain requirements.

The bill would rename the act as the Licensed Marriage and Family Therapist Act.

(B) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences.

Under existing law, to qualify for registration, an intern applicant is required to meet certain qualifications. With respect to applicants for registration who began graduate study before August 1, 2012, and complete study on or before December 31, 2018, an applicant is required to complete a minimum of 18 contact hours of instruction in California law and professional ethics prior to registration as an intern.

This bill would describe the content of that instruction for professional clinical counselors.

Existing law authorizes the board to refuse to issue any registration or license, or to suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct that includes, but is not limited to, the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof.

This bill would delete the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof, from the list of what constitutes professional conduct. The bill would make it unprofessional conduct to willfully violate specified provisions governing patient access to health care records.

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. Section 144.5 is added to the Business and
2 Professions Code, to read:

3 144.5. Notwithstanding any other provision of law, a board
4 described in Section 144 may request a local or state agency to
5 provide certified records of all arrests and convictions, certified
6 records regarding probation, and any and all other related
7 documentation needed to complete an applicant or licensee
8 investigation. The local or state agency shall provide those records
9 to the board upon receipt of such a request.

10 SEC. 2. Section 2021 of the Business and Professions Code is
11 amended to read:

12 2021. (a) If the board publishes a directory pursuant to Section
13 112, it may require persons licensed pursuant to this chapter to
14 furnish any information as it may deem necessary to enable it to
15 compile the directory.

16 (b) Each licensee shall report to the board each and every change
17 of address within 30 days after each change, giving both the old
18 and new address. If an address reported to the board at the time of
19 application for licensure or subsequently is a post office box, the
20 applicant shall also provide the board with a street address. If
21 another address is the licensee's address of record, he or she may
22 request that the second address not be disclosed to the public.

1 (c) Each licensee shall report to the board each and every change
2 of name within 30 days after each change, giving both the old and
3 new names.

4 (d) *The board shall annually send an electronic notice to each*
5 *applicant and licensee who has chosen to receive correspondence*
6 *via electronic mail that requests confirmation from the applicant*
7 *or licensee that his or her electronic mail address is current. An*
8 *applicant or licensee that does not confirm his or her electronic*
9 *mail address shall receive correspondence at a mailing address*
10 *provided pursuant to subdivision (b).*

11 SEC. 3. Section 2064 of the Business and Professions Code is
12 amended to read:

13 2064. Nothing in this chapter shall be construed to prevent a
14 regularly matriculated student undertaking a course of professional
15 instruction in an approved medical school, or to prevent a foreign
16 medical student who is enrolled in an approved medical school
17 ~~and~~ or clinical training program in this state, or to prevent students
18 enrolled in a program of supervised clinical training under the
19 direction of an approved medical school pursuant to Section 2104,
20 from engaging in the practice of medicine whenever and wherever
21 prescribed as a part of his or her course of study.

22 SEC. 4. Section 2184 of the Business and Professions Code is
23 amended to read:

24 2184. (a) Each applicant shall obtain on the written
25 examination a passing score, established by the board pursuant to
26 Section 2177.

27 (b) (1) Passing scores on each step of the United States Medical
28 Licensing Examination shall be valid for a period of 10 years from
29 the month of the examination for purposes of qualification for
30 licensure in California.

31 (2) The period of validity provided for in paragraph (1) may be
32 extended by the board for any of the following:

33 (A) For good cause.

34 (B) For time spent in a postgraduate training program, including,
35 but not limited to, residency training, *clinical training*, fellowship
36 training, remedial or refresher training, or other training that is
37 intended to maintain or improve medical skills.

38 (C) For an applicant who is a physician and surgeon in another
39 state or a Canadian province who is currently and actively
40 practicing medicine in that state or province.

1 (3) Upon expiration of the 10-year period plus any extension
2 granted by the board under paragraph (2), the applicant shall pass
3 the Special Purpose Examination of the Federation of State Medical
4 Boards or a clinical competency written examination determined
5 by the board to be equivalent.

6 SEC. 5. Section 2220 of the Business and Professions Code is
7 amended to read:

8 2220. Except as otherwise provided by law, the board may
9 take action against all persons guilty of violating this chapter. The
10 board shall enforce and administer this article as to physician and
11 surgeon certificate holders, *including those who hold certificates*
12 *that do not permit them to practice medicine, such as, but not*
13 *limited to, retired, inactive, or disabled status certificate holders,*
14 and the board shall have all the powers granted in this chapter for
15 these purposes including, but not limited to:

16 (a) Investigating complaints from the public, from other
17 licensees, from health care facilities, or from the board that a
18 physician and surgeon may be guilty of unprofessional conduct.
19 The board shall investigate the circumstances underlying a report
20 received pursuant to Section 805 or 805.01 within 30 days to
21 determine if an interim suspension order or temporary restraining
22 order should be issued. The board shall otherwise provide timely
23 disposition of the reports received pursuant to Section 805 and
24 Section 805.01.

25 (b) Investigating the circumstances of practice of any physician
26 and surgeon where there have been any judgments, settlements,
27 or arbitration awards requiring the physician and surgeon or his
28 or her professional liability insurer to pay an amount in damages
29 in excess of a cumulative total of thirty thousand dollars (\$30,000)
30 with respect to any claim that injury or damage was proximately
31 caused by the physician's and surgeon's error, negligence, or
32 omission.

33 (c) Investigating the nature and causes of injuries from cases
34 which shall be reported of a high number of judgments, settlements,
35 or arbitration awards against a physician and surgeon.

36 SEC. 6. Section 2424 of the Business and Professions Code is
37 amended to read:

38 2424. (a) ~~The Division of Licensing board~~ or the California
39 Board of Podiatric Medicine, as the case may be, shall notify in
40 writing *either* by certified mail, return receipt requested, *or by*

1 *electronic mail if requested by the licensee*, any physician and
2 surgeon or any podiatrist who does not renew his or her license
3 within 60 days from its date of expiration.

4 (b) Notwithstanding Section 163.5, any such licensee who does
5 not renew his or her expired license within 90 days of its date of
6 expiration shall pay all the following fees:

7 (1) The renewal fee in effect at the time of renewal.

8 (2) A penalty fee equal to 50 percent of the renewal fee.

9 (3) The delinquency fee required by Section 2435 or 2499.5, as
10 the case may be.

11 (c) Notwithstanding any other provision of law, the renewal of
12 any expired physician's and surgeon's or podiatrist's license within
13 six months from its date of expiration shall be retroactive to the
14 date of expiration of that license. The division or board, for good
15 cause, may waive the 50 percent penalty fee and may extend
16 retroactivity up to two years from the expiration date of any such
17 license.

18 SEC. 7. Section 2516 of the Business and Professions Code is
19 amended to read:

20 2516. (a) Each licensed midwife who assists, or supervises a
21 student midwife in assisting, in childbirth that occurs in an
22 out-of-hospital setting shall annually report to the Office of
23 Statewide Health Planning and Development. The report shall be
24 submitted no later than March 30, with the first report due in March
25 2008, for the prior calendar year, in a form specified by the board
26 and shall contain all of the following:

27 (1) The midwife's name and license number.

28 (2) The calendar year being reported.

29 (3) The following information with regard to cases in California
30 in which the midwife, or the student midwife supervised by the
31 midwife, assisted during the previous year when the intended place
32 of birth at the onset of care was an out-of-hospital setting:

33 (A) The total number of clients served as primary caregiver at
34 the onset of care.

35 (B) The total number of clients served with collaborative care
36 available through, or given by, a licensed physician and surgeon.

37 (C) The total number of clients served under the supervision of
38 a licensed physician and surgeon.

39 (D) The number by county of live births attended as primary
40 caregiver.

1 (E) The number, by county, of cases of fetal demise, infant
2 deaths, and maternal deaths attended as primary caregiver at the
3 discovery of the demise or death.

4 (F) The number of women whose primary care was transferred
5 to another health care practitioner during the antepartum period,
6 and the reason for each transfer.

7 (G) The number, reason, and outcome for each elective hospital
8 transfer during the intrapartum or postpartum period.

9 (H) The number, reason, and outcome for each urgent or
10 emergency transport of an expectant mother in the antepartum
11 period.

12 (I) The number, reason, and outcome for each urgent or
13 emergency transport of an infant or mother during the intrapartum
14 or immediate postpartum period.

15 (J) The number of planned out-of-hospital births at the onset of
16 labor and the number of births completed in an out-of-hospital
17 setting.

18 (K) The number of planned out-of-hospital births completed in
19 an out-of-hospital setting that were any of the following:

20 (i) Twin births.

21 (ii) Multiple births other than twin births.

22 (iii) Breech births.

23 (iv) Vaginal births after the performance of a cesarean section.

24 (L) A brief description of any complications resulting in the
25 morbidity or mortality of a mother or ~~an infant~~ *a neonate*.

26 (M) Any other information prescribed by the board in
27 regulations.

28 (b) The Office of Statewide Health Planning and Development
29 shall maintain the confidentiality of the information submitted
30 pursuant to this section, and shall not permit any law enforcement
31 or regulatory agency to inspect or have copies made of the contents
32 of any reports submitted pursuant to subdivision (a) for any
33 purpose, including, but not limited to, investigations for licensing,
34 certification, or regulatory purposes.

35 (c) The office shall report to the board, by April 30, those
36 licensees who have met the requirements of subdivision (a) for
37 that year.

38 (d) The board shall send a written notice of noncompliance to
39 each licensee who fails to meet the reporting requirement of
40 subdivision (a). Failure to comply with subdivision (a) will result

1 in the midwife being unable to renew his or her license without
2 first submitting the requisite data to the Office of Statewide Health
3 Planning and Development for the year for which that data was
4 missing or incomplete. The board shall not take any other action
5 against the licensee for failure to comply with subdivision (a).

6 (e) The board, in consultation with the office and the Midwifery
7 Advisory Council, shall devise a coding system related to data
8 elements that require coding in order to assist in both effective
9 reporting and the aggregation of data pursuant to subdivision (f).
10 The office shall utilize this coding system in its processing of
11 information collected for purposes of subdivision (f).

12 (f) The office shall report the aggregate information collected
13 pursuant to this section to the board by July 30 of each year. The
14 board shall include this information in its annual report to the
15 Legislature.

16 (g) Notwithstanding any other provision of law, a violation of
17 this section shall not be a crime.

18 SEC. 8. Section 2518 of the Business and Professions Code is
19 amended to read:

20 2518. (a) Licenses issued pursuant to this article shall be
21 renewable every two years upon payment of the fee prescribed by
22 Section 2520 and submission of documentation that the
23 licenseholder has completed 36 hours of continuing education in
24 areas that fall within the scope of the practice of midwifery, as
25 specified by the board.

26 (b) Each license not renewed shall expire, but may be reinstated
27 within five years from the expiration upon payment of the
28 prescribed fee and upon submission of proof of the applicant's
29 qualifications as the board may require.

30 (c) *A licensee is exempt from the payment of the renewal fee
31 required by Section 2520 and the requirement for continuing
32 education if the licensee has applied to the board for, and been
33 issued, a retired status license. The holder of a retired status
34 license may not engage in the practice of midwifery.*

35 SEC. 9. Section 2904.5 of the Business and Professions Code
36 is amended to read:

37 2904.5. A psychologist licensed under this chapter is a licentiate
38 for purposes of paragraph (2) of subdivision (a) of Section 805,
39 and thus is a health care ~~practitioner~~ *provider* subject to the

1 provisions of Section 2290.5 ~~pursuant to subdivision (b) of that~~
2 ~~section.~~

3 SEC. 10. Section 3057.5 of the Business and Professions Code
4 is amended to read:

5 3057.5. Notwithstanding any other provision of this chapter,
6 the board shall permit a ~~person~~ *graduate of a foreign university*
7 who meets all of the following requirements to take the
8 examinations for a certificate of registration as an optometrist:

9 (a) Is over the age of 18 years.

10 (b) Is not subject to denial of a certificate under Section 480.

11 (c) Has a degree as a doctor of optometry issued by a university
12 located outside of the United States.

13 SEC. 11. Section 3742 of the Business and Professions Code
14 is amended to read:

15 3742. During the period of any clinical training, a student
16 respiratory care practitioner shall be under the direct supervision
17 of a person holding a valid ~~and~~, current, *and unrestricted* license
18 issued under this chapter. “Under the direct supervision” means
19 assigned to a respiratory care practitioner who is on duty and
20 immediately available in the assigned patient care area.

21 SEC. 12. Section 3750 of the Business and Professions Code
22 is amended to read:

23 3750. The board may order the denial, suspension, or revocation
24 of, or the imposition of probationary conditions upon, a license
25 issued under this chapter, for any of the following causes:

26 (a) Advertising in violation of Section 651 or Section 17500.

27 (b) Fraud in the procurement of any license under this chapter.

28 (c) Knowingly employing unlicensed persons who present
29 themselves as licensed respiratory care practitioners.

30 (d) Conviction of a crime that substantially relates to the
31 qualifications, functions, or duties of a respiratory care practitioner.
32 The record of conviction or a certified copy thereof shall be
33 conclusive evidence of the conviction.

34 (e) Impersonating or acting as a proxy for an applicant in any
35 examination given under this chapter.

36 (f) Negligence in his or her practice as a respiratory care
37 practitioner.

38 (g) Conviction of a violation of any of the provisions of this
39 chapter or of any provision of Division 2 (commencing with
40 Section 500), or violating, or attempting to violate, directly or

1 indirectly, or assisting in or abetting the violation of, or conspiring
2 to violate any provision or term of this chapter or of any provision
3 of Division 2 (commencing with Section 500).

4 (h) The aiding or abetting of any person to violate this chapter
5 or any regulations duly adopted under this chapter.

6 (i) The aiding or abetting of any person to engage in the unlawful
7 practice of respiratory care.

8 (j) The commission of any fraudulent, dishonest, or corrupt act
9 which is substantially related to the qualifications, functions, or
10 duties of a respiratory care practitioner.

11 (k) Falsifying, or making grossly incorrect, grossly inconsistent,
12 or unintelligible entries in any patient, hospital, or other record.

13 (l) Changing the prescription of a physician and surgeon, or
14 falsifying verbal or written orders for treatment or a diagnostic
15 regime received, whether or not that action resulted in actual patient
16 harm.

17 (m) Denial, suspension, or revocation of any license to practice
18 by another agency, state, or territory of the United States for any
19 act or omission that would constitute grounds for the denial,
20 suspension, or revocation of a license in this state.

21 (n) Except for good cause, the knowing failure to protect patients
22 by failing to follow infection control guidelines of the board,
23 thereby risking transmission of blood-borne infectious diseases
24 from licensee to patient, from patient to patient, and from patient
25 to licensee. In administering this subdivision, the board shall
26 consider referencing the standards, regulations, and guidelines of
27 the State Department of Health Services developed pursuant to
28 Section 1250.11 of the Health and Safety Code and the standards,
29 regulations, and guidelines pursuant to the California Occupational
30 Safety and Health Act of 1973 (Part 1 (commencing with Section
31 6300) of Division 5 of the Labor Code) for preventing the
32 transmission of HIV, hepatitis B, and other blood-borne pathogens
33 in health care settings. As necessary, the board shall consult with
34 the California Medical Board, the Board of Podiatric Medicine,
35 the Board of Dental Examiners, the Board of Registered Nursing,
36 and the Board of Vocational Nursing and Psychiatric Technicians,
37 to encourage appropriate consistency in the implementation of this
38 subdivision.

39 The board shall seek to ensure that licensees are informed of the
40 responsibility of licensees and others to follow infection control

1 guidelines, and of the most recent scientifically recognized
2 safeguards for minimizing the risk of transmission of blood-borne
3 infectious diseases.

4 (o) Incompetence in his or her practice as a respiratory care
5 practitioner.

6 (p) A pattern of substandard care *or negligence in his or her*
7 *practice as a respiratory care practitioner, or in any capacity as*
8 *a health care worker, consultant, supervisor, manager or health*
9 *facility owner, or as a party responsible for the care of another.*

10 SEC. 13. Section 3750.5 of the Business and Professions Code
11 is amended to read:

12 3750.5. In addition to any other grounds specified in this
13 chapter, the board may deny, suspend, place on probation, or
14 revoke the license of any applicant or licenseholder who has done
15 any of the following:

16 (a) Obtained, possessed, used, or administered to himself or
17 herself in violation of law, or furnished or administered to another,
18 any controlled substances as defined in Division 10 (commencing
19 with Section 11000) of the Health and Safety Code, or any
20 dangerous drug as defined in Article 2 (commencing with Section
21 4015) of Chapter 9, except as directed by a licensed physician and
22 surgeon, dentist, podiatrist, or other authorized health care provider,
23 *or illegally possessed any associated paraphernalia.*

24 (b) Used any controlled substance as defined in Division 10
25 (commencing with Section 11000) of the Health and Safety Code,
26 or any dangerous drug as defined in Article 2 (commencing with
27 Section 4015) of Chapter 9 of this code, or alcoholic beverages,
28 to an extent or in a manner dangerous or injurious to himself or
29 herself, or to others, or that impaired his or her ability to conduct
30 with safety the practice authorized by his or her license.

31 (c) Applied for employment or worked in any health care
32 profession or environment while under the influence of alcohol.

33 (d) Been convicted of a criminal offense involving the
34 consumption or self-administration of any of the substances
35 described in subdivisions (a) and (b), or the possession of, or
36 falsification of a record pertaining to, the substances described in
37 subdivision (a), in which event the record of the conviction is
38 conclusive evidence thereof.

39 (e) Been committed or confined by a court of competent
40 jurisdiction for intemperate use of or addiction to the use of any

1 of the substances described in subdivisions (a), (b), and (c), in
2 which event the court order of commitment or confinement is
3 prima facie evidence of that commitment or confinement.

4 (f) Falsified, or made grossly incorrect, grossly inconsistent, or
5 unintelligible entries in any hospital, patient, or other record
6 pertaining to the substances described in subdivision (a).

7 SEC. 14. Section 4980.04 of the Business and Professions
8 Code is amended to read:

9 4980.04. This chapter shall be known and may be cited as the
10 *Licensed Marriage and Family Therapist Act*.

11 SEC. 15. Section 4980.34 of the Business and Professions
12 Code is amended to read:

13 4980.34. It is the intent of the Legislature that the board employ
14 its resources for each and all of the following functions:

15 (a) The licensing of marriage and family therapists, clinical
16 social workers, *professional clinical counselors*, and educational
17 psychologists.

18 (b) The development and administration of licensing
19 examinations and examination procedures, as specified, consistent
20 with prevailing standards for the validation and use of licensing
21 and certification tests. Examinations shall measure knowledge and
22 abilities demonstrably important to the safe, effective practice of
23 the profession.

24 (c) Enforcement of laws designed to protect the public from
25 incompetent, unethical, or unprofessional practitioners.

26 (d) Consumer education.

27 SEC. 16. Section 4980.398 of the Business and Professions
28 Code is amended to read:

29 4980.398. (a) Each applicant who had previously taken and
30 passed the standard written examination *but had not passed the*
31 *clinical vignette examination* shall also obtain a passing score on
32 the clinical examination in order to be eligible for licensure.

33 (b) An applicant who had previously failed to obtain a passing
34 score on the standard written examination shall obtain a passing
35 score on the California law and ethics examination and the clinical
36 examination.

37 ~~(c) An applicant who had previously failed to obtain a passing~~
38 ~~score on the clinical vignette examination shall obtain a passing~~
39 ~~score on the clinical examination.~~

40 (d)

1 (c) An applicant who had obtained eligibility for the standard
2 written examination shall take the California law and ethics
3 examination and the clinical examination.

4 (e)

5 (d) This section shall become operative on January 1, 2013.

6 SEC. 17. Section 4980.399 of the Business and Professions
7 Code is amended to read:

8 4980.399. (a) ~~Each~~ *Except as provided in Section 4980.398,*
9 *each* applicant and registrant shall obtain a passing score on a
10 board-administered California law and ethics examination in order
11 to qualify for licensure.

12 (b) A registrant shall participate in a board-administered
13 California law and ethics examination prior to his or her registration
14 renewal.

15 (c) If an applicant fails the California law and ethics
16 examination, he or she may retake the examination, upon payment
17 of the required fees, without further application except as provided
18 in subdivision (d).

19 (d) If a registrant fails to obtain a passing score on the California
20 law and ethics examination described in subdivision (a) within his
21 or her first renewal period on or after the operative date of this
22 section, he or she shall complete, at a minimum, a 12-hour course
23 in California law and ethics in order to be eligible to participate
24 in the California law and ethics examination. Registrants shall only
25 take the 12-hour California law and ethics course once during a
26 renewal period. The 12-hour law and ethics course required by the
27 section shall be taken through a board-approved continuing
28 education provider, a county, state or governmental entity, or a
29 college or university.

30 (e) The board shall not issue a subsequent registration number
31 unless the registrant has passed the California law and ethics
32 examination.

33 (f) This section shall become operative on January 1, 2013.

34 SEC. 18. Section 4980.78 of the Business and Professions
35 Code is amended to read:

36 4980.78. (a) This section applies to persons who apply for
37 licensure or registration on or after January 1, 2014.

38 (b) For purposes of Sections 4980.72 and 4980.74, education
39 is substantially equivalent if all of the following requirements are
40 met:

1 (1) The degree is obtained from a school, college, or university
2 accredited by an accrediting agency recognized by the United
3 States Department of Education and consists of, at a minimum, 48
4 semester or 72 quarter units, including, but not limited to, both of
5 the following:

6 (A) Six semester or nine quarter units of practicum, including,
7 but not limited to, a minimum of 150 hours of face-to-face
8 counseling.

9 (B) Twelve semester or 18 quarter units in the areas of marriage,
10 family, and child counseling and marital and family systems
11 approaches to treatment, as specified in subparagraph (A) of
12 paragraph (1) of subdivision (d) of Section 4980.36.

13 (2) The applicant completes any units and course content
14 requirements under subdivision (d) of Section 4980.36 not already
15 completed in his or her education.

16 (3) The applicant completes credit level coursework from a
17 degree-granting institution that provides all of the following:

18 (A) Instruction regarding the principles of mental health
19 recovery-oriented care and methods of service delivery in recovery
20 model practice environments.

21 (B) An understanding of various California cultures and the
22 social and psychological implications of socioeconomic position.

23 (C) Structured meeting with various consumers and family
24 members of consumers of mental health services to enhance
25 understanding of their experience of mental illness, treatment, and
26 recovery.

27 (D) Instruction in addiction and co-occurring substance abuse
28 and mental health disorders, as specified in subparagraph (I) of
29 paragraph (2) of subdivision (d) of Section 4980.36.

30 (4) The applicant completes ~~a~~ *an 18-hour* course in California
31 law and professional ethics. The content of the course shall include,
32 but not be limited to, advertising, scope of practice, scope of
33 competence, treatment of minors, confidentiality, dangerous
34 patients, psychotherapist-patient privilege, recordkeeping, patient
35 access to records, the Health Insurance Portability and
36 Accountability Act, dual relationships, child abuse, elder and
37 dependent adult abuse, online therapy, insurance reimbursement,
38 civil liability, disciplinary actions and unprofessional conduct,
39 ethics complaints and ethical standards, termination of therapy,
40 standards of care, relevant family law, therapist disclosures to

1 patients, differences in legal and ethical standards in different types
2 of work settings, and licensing law and licensing process.

3 (5) The applicant’s degree title need not be identical to that
4 required by subdivision (b) of Section 4980.36.

5 SEC. 19. Section 4980.80 of the Business and Professions
6 Code is amended to read:

7 4980.80. (a) This section applies to persons who apply for
8 licensure between January 1, 2010, and December 31, 2013,
9 inclusive.

10 (b) The board may issue a license to a person who, at the time
11 of application, holds a valid license issued by a board of marriage
12 counselor examiners, marriage therapist examiners, or
13 corresponding authority of any state, if all of the following
14 requirements are satisfied:

15 (1) The person has held that license for at least two years
16 immediately preceding the date of application.

17 (2) The education and supervised experience requirements are
18 substantially the equivalent of this chapter.

19 (3) The person complies with Section 4980.76, if applicable.

20 (4) The person successfully completes the board administered
21 licensing examinations as specified by subdivision (d) of Section
22 4980.40 and pays the fees specified.

23 (5) The person completes all of the following coursework or
24 training:

25 (A) (i) An applicant who completed a two semester or three
26 quarter unit course in law and professional ethics for marriage and
27 family therapists that ~~included areas of study as specified in~~ *does*
28 *not meet the requirements of* Section 4980.41 as part of his or her
29 qualifying degree shall complete an 18-hour course in California
30 law and professional ethics that includes, but is not limited to, the
31 following subjects: advertising, scope of practice, scope of
32 competence, treatment of minors, confidentiality, dangerous
33 patients, psychotherapist-patient privilege, recordkeeping, patient
34 access to records, requirements of the Health Insurance Portability
35 and Accountability Act of 1996, dual relationships, child abuse,
36 elder and dependent adult abuse, online therapy, insurance
37 reimbursement, civil liability, disciplinary actions and
38 unprofessional conduct, ethics complaints and ethical standards,
39 termination of therapy, standards of care, relevant family law, and
40 therapist disclosures to patients.

1 (ii) An applicant who has not completed a two semester or three
2 quarter unit course in law and professional ethics for marriage and
3 family therapists that included areas of study as specified in Section
4 4980.41 as part of his or her qualifying degree, shall complete a
5 two semester or three quarter unit course in California law and
6 professional ethics that includes, at minimum, the areas of study
7 specified in Section 4980.41.

8 (B) A minimum of seven contact hours of training or coursework
9 in child abuse assessment and reporting as specified in Section 28
10 and any regulations promulgated thereunder.

11 (C) A minimum of 10 contact hours of training or coursework
12 in human sexuality as specified in Section 25 and any regulations
13 promulgated thereunder.

14 (D) A minimum of 15 contact hours of training or coursework
15 in alcoholism and other chemical substance dependency as
16 specified by regulation.

17 (E) (i) Instruction in spousal or partner abuse assessment,
18 detection, and intervention. This instruction may be taken either
19 in fulfillment of other requirements for licensure or in a separate
20 course.

21 (ii) A minimum of 15 contact hours of coursework or training
22 in spousal or partner abuse assessment, detection, and intervention
23 strategies.

24 (F) A minimum of a two semester or three quarter unit survey
25 course in psychological testing. This course may be taken either
26 in fulfillment of other requirements for licensure or in a separate
27 course.

28 (G) A minimum of a two semester or three quarter unit survey
29 course in psychopharmacology. This course may be taken either
30 in fulfillment of other requirements for licensure or in a separate
31 course.

32 (H) With respect to human sexuality, alcoholism and other
33 chemical substance dependency, spousal or partner abuse
34 assessment, detection, and intervention, psychological testing, and
35 psychopharmacology, the board may accept training or coursework
36 acquired out of state.

37 (c) This section shall remain in effect only until January 1, 2014,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before January 1, 2014, deletes or extends that date.

1 SEC. 20. Section 4984.4 of the Business and Professions Code
2 is amended to read:

3 4984.4. A license that is not renewed within three years after
4 its expiration may not be renewed, restored, reinstated, or reissued;
5 however, the *former* licensee may apply for and obtain a new
6 license if the following criteria are satisfied:

7 (a) No fact, circumstance, or condition exists that, if the license
8 were issued, would constitute grounds for its revocation or
9 suspension.

10 (b) He or she submits an application for examination eligibility
11 and the fee for that application.

12 (c) He or she takes and passes the current licensing
13 examinations.

14 (d) He or she submits the fee for initial license issuance.

15 (e) *He or she complies with the fingerprint requirements*
16 *established by board regulation.*

17 SEC. 21. Section 4989.16 of the Business and Professions
18 Code is amended to read:

19 4989.16. (a) A person appropriately credentialed by the
20 Commission on Teacher Credentialing may perform the functions
21 authorized by that credential in a public school without a license
22 issued under this chapter by the board.

23 (b) Nothing in this chapter shall be construed to constrict, limit,
24 or withdraw the Medical Practice Act (Chapter 5 (commencing
25 with Section 2000)), the Nursing Practice Act (Chapter 6
26 (commencing with Section 2700)), the Psychology Licensing Law
27 (Chapter 6.6 (commencing with Section 2900)), the *Licensed*
28 *Marriage and Family Therapist Practice Act* (Chapter 13
29 (commencing with Section 4980)), or the *Clinical Social Worker*
30 *Practice Act* (Chapter 14 (commencing with Section 4991)).

31 SEC. 22. Section 4989.42 of the Business and Professions
32 Code is amended to read:

33 4989.42. A license that is not renewed within three years after
34 its expiration may not be renewed, restored, reinstated, or reissued
35 thereafter. A *former* licensee may apply for a new license if he or
36 she satisfies all of the following requirements:

37 (a) No fact, circumstance, or condition exists that, if the license
38 were issued, would constitute grounds for its revocation or
39 suspension.

1 (b) Payment of the fees that would be required if he or she were
2 applying for a license for the first time.

3 (c) Passage of the current licensure examination.

4 (d) *He or she complies with the fingerprint requirements*
5 *established by board regulation.*

6 SEC. 23. Section 4992.07 of the Business and Professions
7 Code is amended to read:

8 4992.07. (a) An applicant who had previously taken and passed
9 the standard written examination *but had not passed the clinical*
10 *vignette examination* shall also obtain a passing score on the
11 clinical examination in order to be eligible for licensure.

12 (b) An applicant who had previously failed to obtain a passing
13 score on the standard written examination shall obtain a passing
14 score on the California law and ethics examination and the clinical
15 examination.

16 ~~(c) An applicant who had previously failed to obtain a passing~~
17 ~~score on the clinical vignette examination shall obtain a passing~~
18 ~~score on the clinical examination.~~

19 ~~(d)~~

20 (c) An applicant who had obtained eligibility for the standard
21 written examination shall take the California law and ethics
22 examination and the clinical examination.

23 ~~(e)~~

24 (d) This section shall become operative on January 1, 2013.

25 SEC. 24. Section 4992.09 of the Business and Professions
26 Code is amended to read:

27 4992.09. (a) ~~An~~ *Except as provided in Section 4992.07, an*
28 applicant and registrant shall obtain a passing score on a
29 board-administered California law and ethics examination in order
30 to qualify for licensure.

31 (b) A registrant shall participate in a board-administered
32 California law and ethics examination prior to his or her registration
33 renewal.

34 (c) If an applicant fails the California law and ethics
35 examination, he or she may retake the examination, upon payment
36 of the required fees, without further application except for as
37 provided in subdivision (d).

38 (d) If a registrant fails to obtain a passing score on the California
39 law and ethics examination described in subdivision (a) within his
40 or her first renewal period on or after the operative date of this

1 section, he or she shall complete, at a minimum, a 12-hour course
2 in California law and ethics in order to be eligible to participate
3 in the California law and ethics examination. Registrants shall only
4 take the 12-hour California law and ethics course once during a
5 renewal period. The 12-hour law and ethics course required by the
6 section shall be taken through a board-approved continuing
7 education provider, a county, state or governmental entity, or a
8 college or university.

9 (e) The board shall not issue a subsequent registration number
10 unless the registrant has passed the California law and ethics
11 examination.

12 (f) This section shall become operative on January 1, 2013.

13 SEC. 25. Section 4996.6 of the Business and Professions Code
14 is amended to read:

15 4996.6. (a) Licenses issued under this chapter shall expire no
16 more than 24 months after the issue date. The expiration date of
17 the original license shall be set by the board.

18 (b) To renew an unexpired license, the licensee shall, on or
19 before the expiration date of the license, complete the following
20 actions:

21 (1) Apply for a renewal on a form prescribed by the board.

22 (2) Pay a two-year renewal fee prescribed by the board.

23 (3) Certify compliance with the continuing education
24 requirements set forth in Section 4996.22.

25 (4) Notify the board whether he or she has been convicted, as
26 defined in Section 490, of a misdemeanor or felony, or whether
27 any disciplinary action has been taken by any regulatory or
28 licensing board in this or any other state, subsequent to the
29 licensee's last renewal.

30 (c) To renew an expired license within three years of its
31 expiration, the licensee shall, as a condition precedent to renewal,
32 complete all of the actions described in subdivision (b) and pay a
33 delinquency fee.

34 (d) A license that is not renewed within three years after its
35 expiration may not be renewed, restored, reinstated, or reissued
36 thereafter; however, the *former* licensee may apply for and obtain
37 a new license if he or she satisfies all of the following requirements:

38 (1) No fact, circumstance, or condition exists that, if the license
39 were issued, would justify its revocation or suspension.

40 (2) He or she submits an application for examination eligibility.

1 (3) He or she takes and passes the current licensing
2 examinations.

3 (4) He or she submits the fees for examination eligibility and
4 for initial license issuance.

5 (5) *He or she complies with the fingerprint requirements*
6 *established by board regulation.*

7 SEC. 26. Section 4999.22 of the Business and Professions
8 Code is amended to read:

9 4999.22. (a) Nothing in this chapter shall prevent qualified
10 persons from doing work of a psychosocial nature consistent with
11 the standards and ethics of their respective professions. However,
12 these qualified persons shall not hold themselves out to the public
13 by any title or description of services incorporating the words
14 “licensed professional clinical counselor” and shall not state that
15 they are licensed to practice professional clinical counseling, unless
16 they are otherwise licensed to provide professional clinical
17 counseling services.

18 (b) Nothing in this chapter shall be construed to constrict, limit,
19 or withdraw provisions of the Medical Practice Act, the Clinical
20 Social Worker Practice Act, the Nursing Practice Act, the
21 Psychology Licensing Law, or the *Licensed Marriage and Family*
22 *Therapy licensing laws Therapist Act.*

23 (c) This chapter shall not apply to any priest, rabbi, or minister
24 of the gospel of any religious denomination who performs
25 counseling services as part of his or her pastoral or professional
26 duties, or to any person who is admitted to practice law in this
27 state, or who is licensed to practice medicine, who provides
28 counseling services as part of his or her professional practice.

29 (d) This chapter shall not apply to an employee of a
30 governmental entity or a school, college, or university, or of an
31 institution both nonprofit and charitable, if his or her practice is
32 performed solely under the supervision of the entity, school,
33 college, university, or institution by which he or she is employed,
34 and if he or she performs those functions as part of the position
35 for which he or she is employed.

36 (e) All persons registered as interns or licensed under this
37 chapter shall not be exempt from this chapter or the jurisdiction
38 of the board.

39 SEC. 27. Section 4999.32 of the Business and Professions
40 Code is amended to read:

1 4999.32. (a) This section shall apply to applicants for
2 examination eligibility or registration who begin graduate study
3 before August 1, 2012, and complete that study on or before
4 December 31, 2018. Those applicants may alternatively qualify
5 under paragraph (2) of subdivision (a) of Section 4999.33.

6 (b) To qualify for examination eligibility or registration,
7 applicants shall possess a master's or doctoral degree that is
8 counseling or psychotherapy in content and that meets the
9 requirements of this section, obtained from an accredited or
10 approved institution, as defined in Section 4999.12. For purposes
11 of this subdivision, a degree is "counseling or psychotherapy in
12 content" if it contains the supervised practicum or field study
13 experience described in paragraph (3) of subdivision (c) and, except
14 as provided in subdivision (d), the coursework in the core content
15 areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1)
16 of subdivision (c).

17 (c) The degree described in subdivision (b) shall contain not
18 less than 48 graduate semester or 72 graduate quarter units of
19 instruction, which shall, except as provided in subdivision (d),
20 include all of the following:

21 (1) The equivalent of at least three semester units or four and
22 one-half quarter units of graduate study in each of following core
23 content areas:

24 (A) Counseling and psychotherapeutic theories and techniques,
25 including the counseling process in a multicultural society, an
26 orientation to wellness and prevention, counseling theories to assist
27 in selection of appropriate counseling interventions, models of
28 counseling consistent with current professional research and
29 practice, development of a personal model of counseling, and
30 multidisciplinary responses to crises, emergencies, and disasters.

31 (B) Human growth and development across the lifespan,
32 including normal and abnormal behavior and an understanding of
33 developmental crises, disability, psychopathology, and situational
34 and environmental factors that affect both normal and abnormal
35 behavior.

36 (C) Career development theories and techniques, including
37 career development decisionmaking models and interrelationships
38 among and between work, family, and other life roles and factors,
39 including the role of multicultural issues in career development.

1 (D) Group counseling theories and techniques, including
2 principles of group dynamics, group process components,
3 developmental stage theories, therapeutic factors of group work,
4 group leadership styles and approaches, pertinent research and
5 literature, group counseling methods, and evaluation of
6 effectiveness.

7 (E) Assessment, appraisal, and testing of individuals, including
8 basic concepts of standardized and nonstandardized testing and
9 other assessment techniques, norm-referenced and
10 criterion-referenced assessment, statistical concepts, social and
11 cultural factors related to assessment and evaluation of individuals
12 and groups, and ethical strategies for selecting, administering, and
13 interpreting assessment instruments and techniques in counseling.

14 (F) Multicultural counseling theories and techniques, including
15 counselors' roles in developing cultural self-awareness, identity
16 development, promoting cultural social justice, individual and
17 community strategies for working with and advocating for diverse
18 populations, and counselors' roles in eliminating biases and
19 prejudices, and processes of intentional and unintentional
20 oppression and discrimination.

21 (G) Principles of the diagnostic process, including differential
22 diagnosis, and the use of current diagnostic tools, such as the
23 current edition of the Diagnostic and Statistical Manual, the impact
24 of co-occurring substance use disorders or medical psychological
25 disorders, established diagnostic criteria for mental or emotional
26 disorders, and the treatment modalities and placement criteria
27 within the continuum of care.

28 (H) Research and evaluation, including studies that provide an
29 understanding of research methods, statistical analysis, the use of
30 research to inform evidence-based practice, the importance of
31 research in advancing the profession of counseling, and statistical
32 methods used in conducting research, needs assessment, and
33 program evaluation.

34 (I) Professional orientation, ethics, and law in counseling,
35 including professional ethical standards and legal considerations,
36 licensing law and process, regulatory laws that delineate the
37 profession's scope of practice, counselor-client privilege,
38 confidentiality, the client dangerous to self or others, treatment of
39 minors with or without parental consent, relationship between
40 practitioner's sense of self and human values, functions and

1 relationships with other human service providers, strategies for
2 collaboration, and advocacy processes needed to address
3 institutional and social barriers that impede access, equity, and
4 success for clients.

5 (2) In addition to the course requirements described in paragraph
6 (1), a minimum of 12 semester units or 18 quarter units of advanced
7 coursework to develop knowledge of specific treatment issues,
8 special populations, application of counseling constructs,
9 assessment and treatment planning, clinical interventions,
10 therapeutic relationships, psychopathology, or other clinical topics.

11 (3) Not less than six semester units or nine quarter units of
12 supervised practicum or field study experience, or the equivalent,
13 in a clinical setting that provides a range of professional clinical
14 counseling experience, including the following:

15 (A) Applied psychotherapeutic techniques.

16 (B) Assessment.

17 (C) Diagnosis.

18 (D) Prognosis.

19 (E) Treatment.

20 (F) Issues of development, adjustment, and maladjustment.

21 (G) Health and wellness promotion.

22 (H) Other recognized counseling interventions.

23 (I) A minimum of 150 hours of face-to-face supervised clinical
24 experience counseling individuals, families, or groups.

25 (d) (1) An applicant whose degree is deficient in no more than
26 two of the required areas of study listed in subparagraphs (A) to
27 (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those
28 deficiencies by successfully completing post-master's or
29 postdoctoral degree coursework at an accredited or approved
30 institution, as defined in Section 4999.12.

31 (2) Coursework taken to meet deficiencies in the required areas
32 of study listed in subparagraphs (A) to (I), inclusive, of paragraph
33 (1) of subdivision (c) shall be the equivalent of three semester units
34 or four and one-half quarter units of study.

35 (3) The board shall make the final determination as to whether
36 a degree meets all requirements, including, but not limited to,
37 course requirements, regardless of accreditation.

38 (e) In addition to the degree described in this section, or as part
39 of that degree, an applicant shall complete the following
40 coursework or training prior to registration as an intern:

- 1 (1) A minimum of 15 contact hours of instruction in alcoholism
2 and other chemical substance abuse dependency, as specified by
3 regulation.
- 4 (2) A minimum of 10 contact hours of training or coursework
5 in human sexuality as specified in Section 25, and any regulations
6 promulgated thereunder.
- 7 (3) A two semester unit or three quarter unit survey course in
8 psychopharmacology.
- 9 (4) A minimum of 15 contact hours of instruction in spousal or
10 partner abuse assessment, detection, and intervention strategies,
11 including knowledge of community resources, cultural factors,
12 and same gender abuse dynamics.
- 13 (5) A minimum of seven contact hours of training or coursework
14 in child abuse assessment and reporting as specified in Section 28
15 and any regulations adopted thereunder.
- 16 (6) A minimum of 18 contact hours of instruction in California
17 law and professional ethics for professional clinical counselors
18 *that includes, but is not limited to, instruction in advertising, scope*
19 *of practice, scope of competence, treatment of minors,*
20 *confidentiality, dangerous clients, psychotherapist-client privilege,*
21 *recordkeeping, client access to records, dual relationships, child*
22 *abuse, elder and dependent adult abuse, online therapy, insurance*
23 *reimbursement, civil liability, disciplinary actions and*
24 *unprofessional conduct, ethics complaints and ethical standards,*
25 *termination of therapy, standards of care, relevant family law,*
26 *therapist disclosures to clients, and state and federal laws related*
27 *to confidentiality of patient health information.* When coursework
28 in a master's or doctoral degree program is acquired to satisfy this
29 requirement, it shall be considered as part of the 48 semester unit
30 or 72 quarter unit requirement in subdivision (c).
- 31 (7) A minimum of 10 contact hours of instruction in aging and
32 long-term care, which may include, but is not limited to, the
33 biological, social, and psychological aspects of aging. On and after
34 January 1, 2012, this coursework shall include instruction on the
35 assessment and reporting of, as well as treatment related to, elder
36 and dependent adult abuse and neglect.
- 37 (8) A minimum of 15 contact hours of instruction in crisis or
38 trauma counseling, including multidisciplinary responses to crises,
39 emergencies, or disasters, and brief, intermediate, and long-term
40 approaches.

1 (f) This section shall remain in effect only until January 1, 2019,
2 and as of that date is repealed, unless a later enacted statute that
3 is enacted before January 1, 2019, deletes or extends that date.

4 SEC. 28. Section 4999.45 of the Business and Professions
5 Code, as amended by Section 32 of Chapter 387 of the Statutes of
6 2011, is repealed.

7 ~~4999.45.—An intern employed under this chapter shall:~~

8 ~~(a) Not perform any duties, except for those services provided~~
9 ~~as a clinical counselor trainee, until registered as an intern.~~

10 ~~(b) Not be employed or volunteer in a private practice until~~
11 ~~registered as an intern.~~

12 ~~(c) Inform each client prior to performing any professional~~
13 ~~services that he or she is unlicensed and under supervision.~~

14 ~~(d) File for renewal annually for a maximum of five years after~~
15 ~~initial registration with the board.~~

16 ~~(e) Cease continued employment as an intern after six years~~
17 ~~unless the requirements of subdivision (f) are met.~~

18 ~~(f) When no further renewals are possible, an applicant may~~
19 ~~apply for and obtain a new intern registration if the applicant meets~~
20 ~~the educational requirements for registration in effect at the time~~
21 ~~of the application for a new intern registration. An applicant issued~~
22 ~~a subsequent intern registration pursuant to this subdivision may~~
23 ~~be employed or volunteer in any allowable work setting except~~
24 ~~private practice.~~

25 ~~(g) This section shall remain in effect only until January 1, 2013,~~
26 ~~and as of that date is repealed, unless a later enacted statute, that~~
27 ~~is enacted before January 1, 2013, deletes or extends that date.~~

28 SEC. 29. Section 4999.45 of the Business and Professions
29 Code, as added by Section 33 of Chapter 387 of the Statutes of
30 2011, is amended to read:

31 4999.45. (a) An intern employed under this chapter shall:

32 (1) Not perform any duties, except for those services provided
33 as a clinical counselor trainee, until registered as an intern.

34 (2) Not be employed or volunteer in a private practice until
35 registered as an intern.

36 (3) Inform each client prior to performing any professional
37 services that he or she is unlicensed and under supervision.

38 (4) ~~File for renewal~~ *Renew* annually for a maximum of five
39 years after initial registration with the board.

1 ~~(5) Cease continued employment as an intern after six years~~
2 ~~unless the requirements of subdivision (b) are met.~~

3 (b) When no further renewals are possible, an applicant may
4 apply for and obtain a new intern registration if the applicant meets
5 the educational requirements for registration in effect at the time
6 of the application for a new intern registration and has passed the
7 California law and ethics examination described in Section
8 4999.53. An applicant issued a subsequent intern registration
9 pursuant to this subdivision may be employed or volunteer in any
10 allowable work setting except private practice.

11 ~~(e) This section shall become operative on January 1, 2013.~~

12 SEC. 30. Section 4999.57 of the Business and Professions
13 Code is amended to read:

14 4999.57. (a) This section applies to a person who applies for
15 examination eligibility or registration between January 1, 2011,
16 and December 31, 2013, inclusive, who does not hold a license
17 described in subdivision (a) of Section 4999.58.

18 (b) Experience gained outside of California shall be accepted
19 toward the licensure requirements if it is substantially equivalent
20 to that required by this chapter, if the applicant complies with
21 Section 4999.40, if applicable, and if the applicant has gained a
22 minimum of 250 hours of supervised experience in direct
23 counseling within California while registered as an intern with the
24 board.

25 (c) Education gained while residing outside of California shall
26 be accepted toward the licensure requirements if it is substantially
27 equivalent to the education requirements of this chapter, if the
28 applicant has completed the training or coursework required under
29 subdivision (e) of Section 4999.32, ~~and if the applicant completes~~
30 *which includes*, in addition to the course described in subparagraph
31 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an
32 18-hour course in California law and professional ethics ~~that~~
33 ~~includes, but is not limited to, instruction in advertising, scope of~~
34 ~~practice, scope of competence, treatment of minors, confidentiality,~~
35 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~
36 ~~client access to records, the Health Insurance Portability and~~
37 ~~Accountability Act, dual relationships, child abuse, elder and~~
38 ~~dependent adult abuse, online therapy, insurance reimbursement,~~
39 ~~civil liability, disciplinary actions and unprofessional conduct,~~
40 ~~ethics complaints and ethical standards, termination of therapy,~~

1 standards of care, relevant family law, and therapist disclosures
2 to clients for professional clinical counselors.

3 (d) For purposes of this section, the board may, in its discretion,
4 accept education as substantially equivalent if the applicant's
5 education meets the requirements of Section 4999.32. If the
6 applicant's degree does not contain the content or the overall units
7 required by Section 4999.32, the board may, in its discretion, accept
8 the applicant's education as substantially equivalent if the following
9 criteria are satisfied:

10 (1) The applicant's degree contains the required number of
11 practicum units under paragraph (3) of subdivision (c) of Section
12 4999.32.

13 (2) The applicant remediates his or her specific deficiency by
14 completing the course content and units required by Section
15 4999.32.

16 (3) The applicant's degree otherwise complies with this section.

17 (e) This section shall become inoperative on January 1, 2014,
18 and as of that date is repealed, unless a later enacted statute, which
19 is enacted before January 1, 2014, deletes or extends that date.

20 SEC. 31. Section 4999.58 of the Business and Professions
21 Code is amended to read:

22 4999.58. (a) This section applies to a person who applies for
23 examination eligibility between January 1, 2011, and December
24 31, 2013, inclusive, and who meets both of the following
25 requirements:

26 (1) At the time of application, holds a valid license as a
27 professional clinical counselor, or other counseling license that
28 allows the applicant to independently provide clinical mental health
29 services, in another jurisdiction of the United States.

30 (2) Has held the license described in paragraph (1) for at least
31 two years immediately preceding the date of application.

32 (b) The board may issue a license to a person described in
33 subdivision (a) if all of the following requirements are satisfied:

34 (1) The education and supervised experience requirements of
35 the other jurisdiction are substantially the equivalent of this chapter,
36 as described in subdivision (e) and in Section 4999.46.

37 (2) The person complies with subdivision (b) of Section 4999.40,
38 if applicable.

1 (3) The person successfully completes the examinations required
2 by the board pursuant to paragraph (3) of subdivision (a) of Section
3 4999.50.

4 (4) The person pays the required fees.

5 (c) Experience gained outside of California shall be accepted
6 toward the licensure requirements if it is substantially equivalent
7 to that required by this chapter. The board shall consider hours of
8 experience obtained in another state during the six-year period
9 immediately preceding the applicant's initial licensure by that state
10 as a licensed professional clinical counselor.

11 (d) Education gained while residing outside of California shall
12 be accepted toward the licensure requirements if it is substantially
13 equivalent to the education requirements of this chapter, if the
14 applicant has completed the training or coursework required under
15 subdivision (e) of Section 4999.32, ~~and if the applicant completes~~
16 *which includes*, in addition to the course described in subparagraph
17 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an
18 18-hour course in California law and professional ethics ~~that~~
19 ~~includes, but is not limited to, instruction in advertising, scope of~~
20 ~~practice, scope of competence, treatment of minors, confidentiality,~~
21 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~
22 ~~client access to records, the Health Insurance Portability and~~
23 ~~Accountability Act, dual relationships, child abuse, elder and~~
24 ~~dependent adult abuse, online therapy, insurance reimbursement,~~
25 ~~civil liability, disciplinary actions and unprofessional conduct,~~
26 ~~ethics complaints and ethical standards, termination of therapy,~~
27 ~~standards of care, relevant family law, and therapist disclosures~~
28 ~~to clients for professional clinical counselors.~~

29 (e) For purposes of this section, the board may, in its discretion,
30 accept education as substantially equivalent if the applicant's
31 education meets the requirements of Section 4999.32. If the
32 applicant's degree does not contain the content or the overall units
33 required by Section 4999.32, the board may, in its discretion, accept
34 the applicant's education as substantially equivalent if the following
35 criteria are satisfied:

36 (1) The applicant's degree contains the required number of
37 practicum units under paragraph (3) of subdivision (c) of Section
38 4999.32.

1 (2) The applicant remediates his or her specific deficiency by
2 completing the course content and units required by Section
3 4999.32.

4 (3) The applicant's degree otherwise complies with this section.

5 (f) This section shall become inoperative on January 1, 2014,
6 and as of that date is repealed, unless a later enacted statute, which
7 is enacted before January 1, 2014, deletes or extends that date.

8 SEC. 32. Section 4999.59 of the Business and Professions
9 Code is amended to read:

10 4999.59. (a) This section applies to a person who applies for
11 examination eligibility or registration between January 1, 2011,
12 and December 31, 2013, inclusive, who meets both of the following
13 requirements:

14 (1) At the time of application, holds a valid license described
15 in paragraph (1) of subdivision (a) of Section 4999.58.

16 (2) Has held the license described in paragraph (1) for less than
17 two years immediately preceding the date of application.

18 (b) Experience gained outside of California shall be accepted
19 toward the licensure requirements if it is substantially equivalent
20 to that required by this chapter, if the applicant complies with
21 Section 4999.40, if applicable, and if the applicant has gained a
22 minimum of 250 hours of supervised experience in direct
23 counseling within California while registered as an intern with the
24 board. The board shall consider hours of experience obtained in
25 another state during the six-year period immediately preceding the
26 applicant's initial licensure in that state as a professional clinical
27 counselor.

28 (c) Education gained while residing outside of California shall
29 be accepted toward the licensure requirements if it is substantially
30 equivalent to the education requirements of this chapter, if the
31 applicant has completed the training or coursework required under
32 subdivision (e) of Section 4999.32, ~~and if the applicant completes~~
33 *which includes*, in addition to the course described in subparagraph
34 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an
35 18-hour course in California law and professional ethics ~~that~~
36 ~~includes, but is not limited to, instruction in advertising, scope of~~
37 ~~practice, scope of competence, treatment of minors, confidentiality,~~
38 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~
39 ~~client access to records, the Health Insurance Portability and~~
40 ~~Accountability Act, dual relationships, child abuse, elder and~~

1 ~~dependent adult abuse, online therapy, insurance reimbursement,~~
2 ~~civil liability, disciplinary actions and unprofessional conduct,~~
3 ~~ethics complaints and ethical standards, termination of therapy,~~
4 ~~standards of care, relevant family law, and therapist disclosures~~
5 ~~to clients for professional clinical counselors.~~

6 (d) For purposes of this section, the board may, in its discretion,
7 accept education as substantially equivalent if the applicant's
8 education meets the requirements of Section 4999.32. If the
9 applicant's degree does not contain the content or the overall units
10 required by Section 4999.32, the board may, in its discretion, accept
11 the applicant's education as substantially equivalent if the following
12 criteria are satisfied:

13 (1) The applicant's degree contains the required number of
14 practicum units under paragraph (3) of subdivision (c) of Section
15 4999.32.

16 (2) The applicant remediates his or her specific deficiency by
17 completing the course content and units required by Section
18 4999.32.

19 (3) The applicant's degree otherwise complies with this section.

20 (e) This section shall become inoperative on January 1, 2014,
21 and as of that date is repealed, unless a later enacted statute, which
22 is enacted before January 1, 2014, deletes or extends that date.

23 SEC. 33. Section 4999.90 of the Business and Professions
24 Code is amended to read:

25 4999.90. The board may refuse to issue any registration or
26 license, or may suspend or revoke the registration or license of
27 any intern or licensed professional clinical counselor, if the
28 applicant, licensee, or registrant has been guilty of unprofessional
29 conduct. Unprofessional conduct includes, but is not limited to,
30 the following:

31 (a) The conviction of a crime substantially related to the
32 qualifications, functions, or duties of a licensee or registrant under
33 this chapter. The record of conviction shall be conclusive evidence
34 only of the fact that the conviction occurred. The board may inquire
35 into the circumstances surrounding the commission of the crime
36 in order to fix the degree of discipline or to determine if the
37 conviction is substantially related to the qualifications, functions,
38 or duties of a licensee or registrant under this chapter. A plea or
39 verdict of guilty or a conviction following a plea of nolo contendere
40 made to a charge substantially related to the qualifications,

1 functions, or duties of a licensee or registrant under this chapter
2 shall be deemed to be a conviction within the meaning of this
3 section. The board may order any license or registration suspended
4 or revoked, or may decline to issue a license or registration when
5 the time for appeal has elapsed, or the judgment of conviction has
6 been affirmed on appeal, or, when an order granting probation is
7 made suspending the imposition of sentence, irrespective of a
8 subsequent order under Section 1203.4 of the Penal Code allowing
9 the person to withdraw a plea of guilty and enter a plea of not
10 guilty, or setting aside the verdict of guilty, or dismissing the
11 accusation, information, or indictment.

12 (b) Securing a license or registration by fraud, deceit, or
13 misrepresentation on any application for licensure or registration
14 submitted to the board, whether engaged in by an applicant for a
15 license or registration, or by a licensee in support of any application
16 for licensure or registration.

17 (c) Administering to himself or herself any controlled substance
18 or using any of the dangerous drugs specified in Section 4022, or
19 any alcoholic beverage to the extent, or in a manner, as to be
20 dangerous or injurious to the person applying for a registration or
21 license or holding a registration or license under this chapter, or
22 to any other person, or to the public, or, to the extent that the use
23 impairs the ability of the person applying for or holding a
24 registration or license to conduct with safety to the public the
25 practice authorized by the registration or license, ~~or the conviction~~
26 ~~of more than one misdemeanor or any felony involving the use,~~
27 ~~consumption, or self-administration of any of the substances~~
28 ~~referred to in this subdivision, or any combination thereof.~~ The
29 board shall deny an application for a registration or license or
30 revoke the license or registration of any person, other than one
31 who is licensed as a physician and surgeon, who uses or offers to
32 use drugs in the course of performing licensed professional clinical
33 counseling services.

34 (d) Gross negligence or incompetence in the performance of
35 licensed professional clinical counseling services.

36 (e) Violating, attempting to violate, or conspiring to violate any
37 of the provisions of this chapter or any regulation adopted by the
38 board.

39 (f) Misrepresentation as to the type or status of a license or
40 registration held by the person, or otherwise misrepresenting or

- 1 permitting misrepresentation of his or her education, professional
2 qualifications, or professional affiliations to any person or entity.
- 3 (g) Impersonation of another by any licensee, registrant, or
4 applicant for a license or registration, or, in the case of a licensee
5 or registrant, allowing any other person to use his or her license
6 or registration.
- 7 (h) Aiding or abetting, or employing, directly or indirectly, any
8 unlicensed or unregistered person to engage in conduct for which
9 a license or registration is required under this chapter.
- 10 (i) Intentionally or recklessly causing physical or emotional
11 harm to any client.
- 12 (j) The commission of any dishonest, corrupt, or fraudulent act
13 substantially related to the qualifications, functions, or duties of a
14 licensee or registrant.
- 15 (k) Engaging in sexual relations with a client, or a former client
16 within two years following termination of therapy, soliciting sexual
17 relations with a client, or committing an act of sexual abuse, or
18 sexual misconduct with a client, or committing an act punishable
19 as a sexually related crime, if that act or solicitation is substantially
20 related to the qualifications, functions, or duties of a licensed
21 professional clinical counselor.
- 22 (l) Performing, or holding oneself out as being able to perform,
23 or offering to perform, or permitting any ~~clinical counselor~~ trainee
24 ~~or intern~~, *applicant, or registrant* under supervision to perform,
25 any professional services beyond the scope of the license authorized
26 by this chapter.
- 27 (m) Failure to maintain confidentiality, except as otherwise
28 required or permitted by law, of all information that has been
29 received from a client in confidence during the course of treatment
30 and all information about the client which is obtained from tests
31 or other means.
- 32 (n) Prior to the commencement of treatment, failing to disclose
33 to the client or prospective client the fee to be charged for the
34 professional services, or the basis upon which that fee will be
35 computed.
- 36 (o) Paying, accepting, or soliciting any consideration,
37 compensation, or remuneration, whether monetary or otherwise,
38 for the referral of professional clients. All consideration,
39 compensation, or remuneration shall be in relation to professional
40 clinical counseling services actually provided by the licensee.

1 Nothing in this subdivision shall prevent collaboration among two
2 or more licensees in a case or cases. However, no fee shall be
3 charged for that collaboration, except when disclosure of the fee
4 has been made in compliance with subdivision (n).

5 (p) Advertising in a manner that is false, fraudulent, misleading,
6 or deceptive, as defined in Section 651.

7 (q) Reproduction or description in public, or in any publication
8 subject to general public distribution, of any psychological test or
9 other assessment device, the value of which depends in whole or
10 in part on the naivete of the subject, in ways that might invalidate
11 the test or device.

12 (r) Any conduct in the supervision of a registered intern,
13 associate clinical social worker, or clinical counselor trainee by
14 any licensee that violates this chapter or any rules or regulations
15 adopted by the board.

16 (s) Performing or holding oneself out as being able to perform
17 professional services beyond the scope of one's competence, as
18 established by one's education, training, or experience. This
19 subdivision shall not be construed to expand the scope of the
20 license authorized by this chapter.

21 (t) Permitting a clinical counselor trainee or intern under one's
22 supervision or control to perform, or permitting the clinical
23 counselor trainee or intern to hold himself or herself out as
24 competent to perform, professional services beyond the clinical
25 counselor trainee's or intern's level of education, training, or
26 experience.

27 (u) The violation of any statute or regulation of the standards
28 of the profession, and the nature of the services being rendered,
29 governing the gaining and supervision of experience required by
30 this chapter.

31 (v) Failure to keep records consistent with sound clinical
32 judgment, the standards of the profession, and the nature of the
33 services being rendered.

34 (w) Failure to comply with the child abuse reporting
35 requirements of Section 11166 of the Penal Code.

36 (x) Failing to comply with the elder and dependent adult abuse
37 reporting requirements of Section 15630 of the Welfare and
38 Institutions Code.

39 (y) Repeated acts of negligence.

1 (z) (1) Engaging in an act described in Section 261, 286, 288a,
2 or 289 of the Penal Code with a minor or an act described in
3 Section 288 or 288.5 of the Penal Code regardless of whether the
4 act occurred prior to or after the time the registration or license
5 was issued by the board. An act described in this subdivision
6 occurring prior to the effective date of this subdivision shall
7 constitute unprofessional conduct and shall subject the licensee to
8 refusal, suspension, or revocation of a license under this section.

9 (2) The Legislature hereby finds and declares that protection of
10 the public, and in particular minors, from sexual misconduct by a
11 licensee is a compelling governmental interest, and that the ability
12 to suspend or revoke a license for sexual conduct with a minor
13 occurring prior to the effective date of this section is equally
14 important to protecting the public as is the ability to refuse a license
15 for sexual conduct with a minor occurring prior to the effective
16 date of this section.

17 (aa) Engaging in any conduct that subverts or attempts to subvert
18 any licensing examination or the administration of an examination
19 as described in Section 123.

20 (ab) Revocation, suspension, or restriction by the board of a
21 license, certificate, or registration to practice as a professional
22 clinical counselor, clinical social worker, educational psychologist,
23 *professional clinical counselor*, or marriage and family therapist.

24 (ac) Failing to comply with the procedures set forth in Section
25 2290.5 when delivering health care via telemedicine.

26 (ad) *Willful violation of Chapter 1 (commencing with Section*
27 *123100) of Part 1 of Division 106 of the Health and Safety Code.*

28 SEC. 34. Section 4999.106 of the Business and Professions
29 Code is amended to read:

30 4999.106. A license that is not renewed within three years after
31 its expiration may not be renewed, restored, reinstated, or reissued,
32 except that a former licensee may apply for and obtain a new
33 license if he or she complies with all of the following:

34 (a) No fact, circumstance, or condition exists that, if the license
35 were issued, would justify its revocation or suspension.

36 (b) He or she takes and passes the current examinations required
37 for licensing.

38 (c) He or she submits an application for initial licensure.

39 (d) *He or she meets the requirements pursuant to Section*
40 *4999.51.*

1 SEC. 35. Section 4999.120 of the Business and Professions
2 Code is amended to read:

3 4999.120. The board shall assess fees for the application for
4 and the issuance and renewal of licenses and for the registration
5 of interns to cover administrative and operating expenses of the
6 board related to this chapter. Fees assessed pursuant to this section
7 shall not exceed the following:

8 (a) The fee for the application for examination eligibility shall
9 be up to two hundred fifty dollars (\$250).

10 (b) The fee for the application for intern registration shall be up
11 to one hundred fifty dollars (\$150).

12 (c) The fee for the application for licensure shall be up to one
13 hundred eighty dollars (\$180).

14 (d) The fee for the board-administered clinical examination, if
15 the board chooses to adopt this examination in regulations, shall
16 be up to two hundred fifty dollars (\$250).

17 (e) The fee for the law and ethics examination shall be up to
18 one hundred fifty dollars (\$150).

19 (f) The fee for the examination described in subdivision (b) of
20 Section 4999.54 shall be up to one hundred dollars (\$100).

21 (g) The fee for the issuance of a license shall be up to two
22 hundred fifty dollars (\$250).

23 ~~(h) The fee for annual renewal of licenses issued pursuant to~~
24 ~~Section 4999.54 shall be up to one hundred fifty dollars (\$150).~~

25 ~~(i)~~

26 (h) The fee for annual renewal of an intern registration shall be
27 up to one hundred fifty dollars (\$150).

28 ~~(j)~~

29 (i) The fee for two-year renewal of licenses shall be up to two
30 hundred fifty dollars (\$250).

31 ~~(k)~~

32 (j) The fee for issuance of a retired license shall be forty dollars
33 (\$40).

34 ~~(l)~~

35 (k) The fee for rescoring an examination shall be twenty dollars
36 (\$20).

37 ~~(m)~~

38 (l) The fee for issuance of a replacement license or registration
39 shall be twenty dollars (\$20).

40 ~~(n)~~

1 (m) The fee for issuance of a certificate or letter of good standing
2 shall be twenty-five dollars (\$25).

3 SEC. 36. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 7**

Update on rulemaking for Title 16, Division 11,
Articles 1-12 of the California Code of Regulations



MEMORANDUM

| | |
|----------------|--|
| DATE | April 17, 2012 |
| TO | DHCC Committee Members |
| FROM | Traci Napper Legislative and Regulatory Coordinator |
| SUBJECT | LEG 7 Update on Plan to Proceed with Rulemaking For Division 11, Title 16 of California Code of Regulations Articles 1-12 |

Background

At the December 10, 2011 meeting, members approved staff's recommendation to complete the regulatory process in three phases. Staff has begun Phase 1.

The Phases are as follows:

- Phase 1 - existing regulations from the Dental Practice Act with none or minor revisions (non substantive changes)
- Phase 2 - regulations that have been revised with substantive changes.
- Phase 3 - new regulations - DHCC does not have statutory authority to implement.

Attached: Chart of Regulatory Phases

Informational Only

LEG 7 Regulatory Process in Phases **Yellow Phase 1** **Green Phase 2** **Pink Phase 3** and **Red Place holders**.

| | |
|---|--|
| Phase 1 Regulatory Article 1 Definitions | 1100 Definitions |
| Article 2 Administration | 1101 Delegation to Committee's Executive Officer |
| Article 3 Educational Programs | 1103 Definitions 1104 Approval of RDH Educational Programs 1105 Requirements for RDH Educational Programs 1106 Radiation Safety 1109 Approval of RDHAP Educational Programs 1110 Requirements of RDHAP Educational Programs 1111 Approval of RDHEF Educational Programs 1114 List of Approved Schools 1115 Posting of Notice Experimental Dental Health Program |
| Article 5. Licensure | 1117 General Application Requirements 1119 RDHAP Applications 1120 RDHEF Applications |
| Article 6. Examinations | 1121 Dental Hygiene Written Examinations 1122 General Procedures for the Dental Hygiene Committee of California Written Examination 1124 General Procedures for the Dental Hygiene Committee of California Clinical Examinations 1126 Conduct of DHCC Clinical 1127 DHCC Clinical Examination Review Procedures; Appeals Examination |
| Article 9 Continuing Education | 1134 Purposes 1135 Continuing Education Providers and Courses 1136 Units Required for Renewal License 1137 Inactive Licenses |
| Phase 2 Regulatory Article 4 Duties Article 6. Examinations | 1116 RDH Procedures 1123 Dental Hygiene Clinical Examinations 1125 DHCC Clinical Examination 1128 Western Regional Examination Board Clinical Dental Hygiene Examination |
| Phase 3 Regulatory Article 5 Licensure Article 6 Examinations Article 12. Dental Hygiene Corporation | 1118 RDH Applications 1129 Remedial Education 1145 Professional Relationships, Responsibilities and Conduct Not Affected 1146 Additional Offices 1147 Security for Claims Against a Dental Corporation 1148 Shares: Ownership and Transfer |
| Place Holders | 1102, 1107, 1108, 1112, 1113, 1130 |



Monday, April 16, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting
Agenda Item 8

Proposed amendment to regulation §1132,
Title 16 California Code of Regulations
regarding retroactive fingerprint requirements



MEMORANDUM

| | |
|----------------|---|
| DATE | April 16, 2012 |
| TO | DHCC Legislative and Regulatory Subcommittee Members |
| FROM | Traci Napper Legislative and Regulatory Coordinator |
| SUBJECT | LEG 8 – Proposed amendment to the fingerprinting regulatory language Division 11, Title 16, Article 7, Section 1132 of the California Code of Regulation |

Background

Currently, the California Code of Regulations, Section 1132 requires as a condition of renewal for a license that expires on or after July 1, 2011, a licensee who was initially licensed prior to January 1 1994 or whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice (DOJ) a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the DOJ.

Staff is proposing an amendment to Section 1132 of the California Code of Regulations. The proposed amendment would exempt an inactive licensee from the current fingerprinting requirement until he or she returns their license to an active status. Staff is proposing this amendment because the licensees who hold an inactive license and who live out of state have said that the fingerprinting requirement creates a financial hardship. While these licensees have said they have the money to renew their license, they have said that they do not have the money, or are physically unable, to travel to California to have their fingerprints livescanned.

Attached is the language for your review and approval.

Committee Action Requested

Accept the proposed amendment to the fingerprint regulatory language and direct staff to take all necessary steps to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed additions to California Code of Regulations, Title 16, Section 1132 as noticed in the proposed text.

1132. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after July 1, 2011, a licensee who was initially licensed prior to January 1, 1994, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

- (1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.
- (2) As a condition of renewal, a licensee shall certify whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.
- (3) This requirement is waived if the licensee has an inactive license or is actively serving in the military outside the country.
- (4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, in the prior renewal cycle, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee shall disclose any disciplinary actions against any other license he or she may hold.

(c) Failure to comply with the requirements of this section renders any renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916 and 1950, Business and Professions Code; and Section 11105, Penal Code

DENTAL HYGIENE COMMITTEE OF CALIFORNIA

- (1) Amend Division 11 of Title 16 of the California Code of Regulations to read as follows:

Division 11. Dental Hygiene Committee of California

- (2) Amend Article 7 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

Article 7. General Rules Regarding Fingerprint Requirements.

- (3) Amend Sections 1132 in Article 7 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

1131. Response to Committee Inquiry.

If the committee or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916 and 1950, Business and Professions Code; and Section 11105, Penal Code

1132. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after July 1, 2011, a licensee who was initially licensed prior to January 1, 1994, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

- (1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.
- (2) As a condition of renewal, a licensee shall certify whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.
- (3) This requirement is waived if the licensee [has an inactive license or](#) is actively serving in the military outside the country.
- (4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, in the prior renewal cycle, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee shall disclose any disciplinary actions against any other license he or she may hold.

(c) Failure to comply with the requirements of this section renders any renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916 and 1950, Business and Professions Code; and Section 11105, Penal Code



Monday, April 16, 2012

Dental Hygiene Committee of California

**Legislative and Regulatory Subcommittee Meeting
Agenda Item 9**

Update regarding mandatory report to Legislature re
Licensure By Credential pursuant to Section 1917.1 (d) of
the Business and Professions Code



MEMORANDUM

| | |
|----------------|---|
| DATE | April 17, 2012 |
| TO | DHCC Committee Members |
| FROM | Traci Napper Legislative and Regulatory Coordinator |
| SUBJECT | LEG 9 Mandatory Report to Legislators re Licensure By Credential |

Background

In 2003, legislation created a new pathway for licensure for dental hygienists licensed in other states who had not taken a clinical examination in California. In 2008, SB 853 (Chapter 31, Statutes of 2008) added a requirement that the DHCC prepare a report to the Committees within the Legislature concerning the impact of this new licensing pathway. This report (attached) was submitted in December 2011.

Informational Only



**Impact of Licensure by Credential
on the Availability of Registered Dental Hygienists in California**

December 2011

Business and Professions Code § 1917.1(10)(d)

Dental Hygiene Committee of California

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Introduction

The Dental Hygiene Committee of California collected data to review the impact of the Licensure by Credential (LBC) program on the availability of Registered Dental Hygienists (RDHs) in California, as mandated by Business and Professions Code § 1917.1(10)(s). Statistics are based on data collected from applicants from the inception of the program, July 1, 2009, through December 14, 2011.

The Committee would like to acknowledge assistance provided the Office of Statewide Health Planning and Development in matching the dental office locations with known shortage areas.

Report Requirements as defined by Business and Professions Code § 1917.1(10)(d):

(d) The committee shall review the impact of this section on the availability of actively practicing registered dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2012. The report shall include a separate section providing data specific to registered dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision (a). The report shall include, but shall not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of registered dental hygienists from other states licensed pursuant to this section, the number of licenses not granted, and the reason why the license was not granted.

(3) The practice location of registered dental hygienists licensed pursuant to this section. In identifying a registered dental hygienist's location of practice, the committee shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(4) The number of registered dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing registered dental hygienists or no registered dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (a).

(5) The length of time registered dental hygienists licensed pursuant to this section practiced in the reported location.

Data Collection: The Dental Hygiene Committee of California collected information from 115 surveys completed on renewal notices pursuant to Business and Professions Code § 1715.5. In addition, the Committee conducted 71 telephone surveys. Of the 115 renewal surveys, 44 were completed and of the 71 telephone surveys 59 responded, a total response rate of 89%.

Licensure by Credential (LBC) Report Statistics

(A) Number of applicants who applied for LBC: 116

(B) Number of applicants licensed by LBC: 115

(C) Applicants not licensed¹:

| | |
|----------------------|---|
| Ineligible | 0 |
| Withdrew | 0 |
| Denied | 0 |
| In review process | 1 |
| Total # not licensed | 1 |

(D) Known Practice locations:

| | |
|--------------------------------|-----|
| Practicing in California: | 75 |
| Not practicing in California | 28 |
| Faculty practice in California | 0 |
| | 103 |

Renewal Survey and telephone
survey return rate: 89%
Response = 103
Not returned = 12

(E) The number of Registered Dental Hygienists licensed by LBC who established a practice in a rural area or in an area designated as a dental shortage area is presented in Attachment A using Medical Service Study Areas (MSSA) and Dental Health Professional Shortage Areas (Dental HPSA).

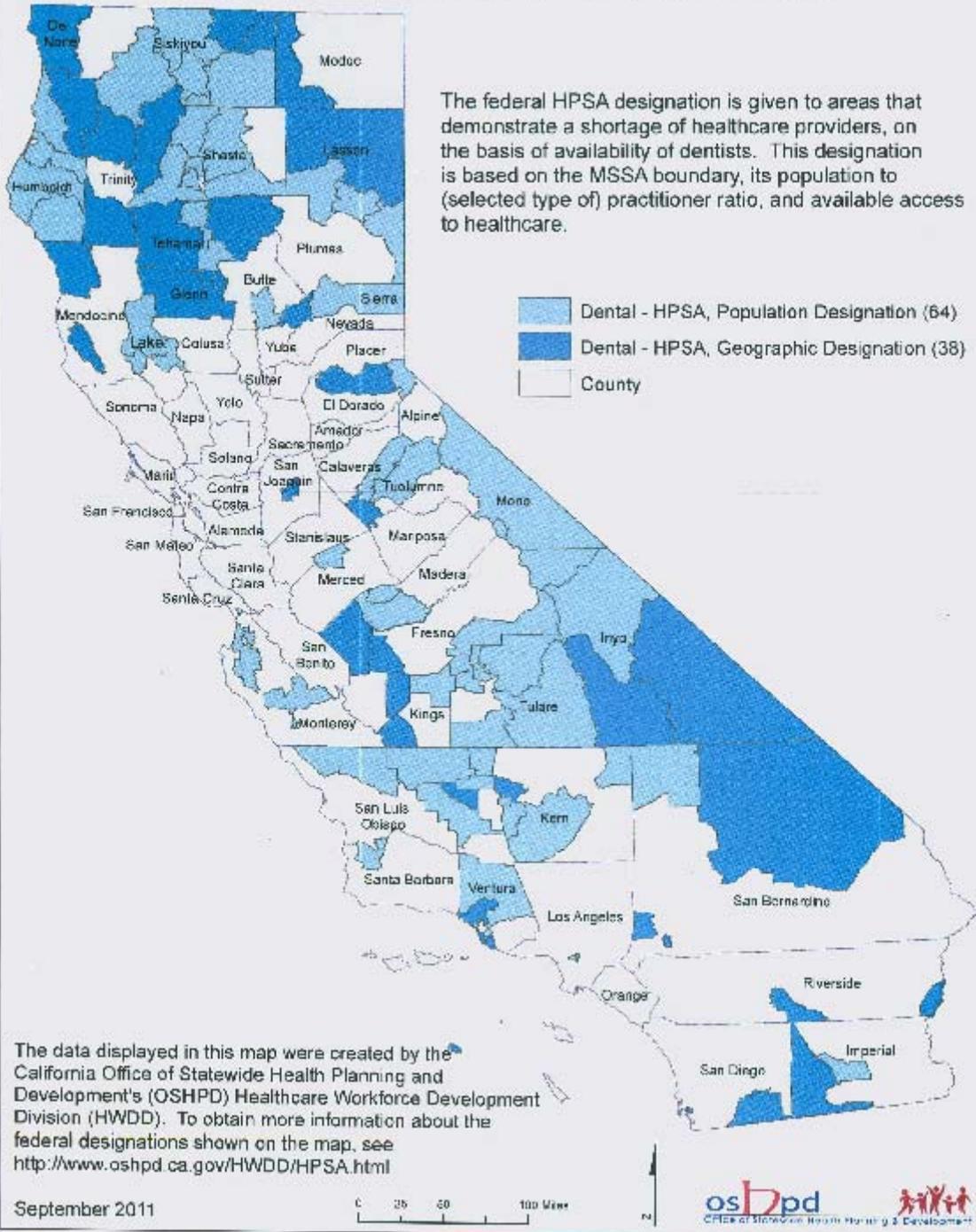
MSSAs are geographic areas whose boundaries are established by the Office of Statewide Health Planning and Development in conjunction with local health care providers, and under the authority of the California Healthcare Workforce Policy Commission. The areas are designated as Frontier, Rural, and Urban, which represent increasing population density. The Federal Health Resources and Services Administration recognizes MSSA boundaries as rational service areas when designating Dental HPSAs.

Dental HPSAs are MSSAs that have received the federal designation of shortage area, which qualifies dentists practicing in that area to apply for various state and federal funding. This designation requires an application filed by a dental health provider on behalf of that geographic area. Therefore, there could be MSSAs that could qualify as a Dental HPSA but no application for the designation has been submitted.

(F) The length of time Registered Dental Hygienists licensed by LBC practiced in the reported location is also included in Attachment A. The number of months listed would be the number of months in clinical practice in California until approximately September 1, 2005.

(G) There were no Registered Dental Hygienists who qualified for LBC with a pending contract for clinical practice in a public health setting as provided in Business and Professions Code § 1917.1(10)(d).

Dental Health Professional Shortage Areas



| Zip Code | HPSA | City | Length of License |
|----------|------|--------------------|-------------------|
| 90025 | No | Los Angeles | 3.5 yrs |
| 90036 | No | Los Angeles | 8 months |
| 90262 | No | Lynwood | 10 months |
| 90277 | No | Redondo beach | 2.5 yrs |
| 90278 | No | Redondo | 3 months |
| 90638 | No | La Mirada | 5 months |
| 90804 | No | East Long Beach | 1 yr 6 months |
| 91007 | No | Arcadia | 6 months |
| 91030 | No | S. Pasadena | 1 month |
| 91206 | No | Glendale | 1.5 yrs |
| 91364 | No | Woodland Hills | 5 months |
| 91402 | No | Tujunga | 8 months |
| 91503 | No | Burbank | 2 yrs |
| 91602 | No | N. Hollywood | 1 month |
| 91741 | No | Glendora | 1 yr 8 months |
| 91913 | No | Chula vista | 1 yr 7months |
| 91942 | No | La Mesa | 1 yr 8 months |
| 92007 | No | Cardiff By The Sea | 8 months |
| 92011 | No | Carlsbad | 1 yr 1 month |
| 92054 | No | Oceanside | 8 months |
| 92071 | No | Santee | 1 month |
| 92071 | No | Santee | 2 yrs |
| 92078 | No | san marcos | 1.5 yrs |
| 92101 | No | San Diego | 1.5 yrs |
| 92102 | No | San Diego | 6 months |
| 92102 | No | San Diego | 6 months |
| 92104 | No | San Diego | 7 months |
| 92109 | No | San Diego | 1 yr 7months |
| 92109 | No | San Diego | 6 months |
| 92118 | No | San Diego | 1 yr 3 months |
| 92124 | No | San Diego | 1 yr 2 months |
| 92124 | No | San Diego | 1 month |
| 92128 | no | San Diego | 10 months |
| 92128 | no | San Diego | 3.5 yrs |
| 92130 | No | San Diego | 8 months |
| 92130 | No | San Diego | 11 months |
| 92313 | No | Colton | 2 yrs |
| 92373 | No | redlands | 3.5 yrs |
| 92503 | No | Riverside | 1 yr 2 months |
| 92503 | No | Riverside | 9 months |
| 92562 | No | Murrieta | 1 yr 7months |
| 92592 | No | Temecula | 1 yr 7months |
| 92612 | No | Irvine | 1 yr 7months |
| 92651 | No | Laguna Beach | 8 months |
| 92692 | No | Mission Viejo | 1 yr 2 months |
| 92870 | No | Placenta | 3.5 yrs |

| | | | |
|-------|-----|-----------------|---------------|
| 93001 | No | Ventura | 3 yrs |
| 93002 | No | Ventura | 1 month |
| 93003 | No | Ventura | 3.5 |
| 93030 | Yes | Oxnard | 3 |
| 93210 | No | Coalinga | 1 yr 2 months |
| 93311 | No | Bakersfield | 8 months |
| 93401 | No | San Luis Obispo | 6 months |
| 93444 | No | Nipomo | 9 months |
| 93449 | No | Pismo Beach | 1 month |
| 90630 | No | Cypress | 10 months |
| 93720 | No | Fresno | 1 yr 3 months |
| 93907 | Yes | Salinas | 3.5 yrs |
| 94005 | No | Brisban | 1 month |
| 94127 | No | San Francisco | 8 months |
| 94513 | No | Brentwood | 4 months |
| 94526 | No | Danville | 3.5 yrs |
| 94534 | No | Fairfield | 8 months |
| 94547 | No | Hercules | 2.5 yrs |
| 94558 | No | Napa | 8 months |
| 94568 | No | Dublin | 1 month |
| 94582 | No | San Ramon | 4 yrs |
| 95118 | No | San Jose | 1 yr 6 months |
| 95130 | No | San Jose | 4 yrs |
| 95570 | Yes | Trinidad | 11 months |
| 95709 | No | Snowline Camp | 11 months |
| 95746 | No | Granite Bay | 1 yr 7months |
| 95747 | No | Roseville | 1 yr 3 months |
| 95747 | No | Roseville | 8 months |
| 95765 | No | Rocklin | 8 months |
| 95765 | No | Rocklin | 3.5 |
| 95765 | No | Rocklin | 1 yr 8 months |
| 95820 | No | Sacramento | 4 months |
| 95826 | No | Sacramento | 6 months |