

## **NOTICE OF BOARD MEETING**

**Friday, April 7, 2023**  
**Noon – 4:00 p.m. or until Completion of Business**

**If Joining by Computer:**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m75643f73780616962735fe4c61ac7c61>

If joining using the link above:  
Webinar number: 2494 071 1054  
Webinar password: BOP04072023:

If joining by phone:  
+1-415-655-0001 US Toll  
Access code: 249 407 11054  
Passcode: 26704072

The Board of Psychology will hold a Board meeting via Webex as noted above.

To avoid potential technical difficulties, please consider submitting written comments by March 31, 2023, to [bopmail@dca.ca.gov](mailto:bopmail@dca.ca.gov) for consideration.

Individuals seeking to receive Continuing Professional Development (CPD) credit for attending the Board meeting via Webex will be required to provide their name and email to log into the meeting via Webex. Individuals who attend the Board meeting by phone will be required to email [BOPCE@dca.ca.gov](mailto:BOPCE@dca.ca.gov) following the meeting, and provide their name, license number, and the phone number that was used to call into the meeting. The Board will use such information for purposes of logging and certifying attendance for CPD credit. Failure to provide this information may result in the Board being unable to verify attendance for CPD credit.

Members of the public who are not seeking to receive CPD credit for attending the Board meeting may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address.

Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: [XXXXX@mailinator.com](mailto:XXXXX@mailinator.com)

**Board Members**

Lea Tate, PsyD, President  
Shacunda Rodgers, PhD, Vice  
President  
Sheryll Casuga, PsyD, CMPC  
Marisela Cervantes, EdD, MPA

Seyron Foo  
Mary Harb Sheets, PhD  
Julie Nystrom  
Stephen Phillips, JD, PsyD  
Ana Rescate

**Board Staff**

Antonette Sorrick, Executive Officer  
Jon Burke, Assistant Executive Officer  
Sandra Monterrubio, Enforcement  
Program Manager  
Stephanie Cheung, Licensing Manager  
Liesel McCockran, CE/Renewals  
Coordinator  
Mai Xiong, Licensing/BreEZe Coordinator  
Troy Polk, Legislative and Regulatory  
Analyst  
Sarah Proteau, Central Services Office  
Technician  
Brittany Ng, Board Counsel

April 7, 2023

The Board plans to webcast this meeting on its website. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate, please plan to attend via WebEx or by phone, per the instructions above. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. A link to the webcast will be available on the Board's Website at 12:00 p.m. on April 7, 2023, or you may access it at:

<https://thedcapage.wordpress.com/webcasts/>. Links to agenda items with attachments are available at [www.psychology.ca.gov](http://www.psychology.ca.gov), prior to the meeting date, Friday, April 7, 2023.

**AGENDA****Noon – 4:00 p.m. or until Completion of Business**

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

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

1. Call to Order/Roll Call/Establishment of a Quorum
2. President's Welcome
3. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section,

Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].

4. Legislation for the 2023 Legislative Session: Review and Possible Action (M. Cervantes)
  - a) Board-Sponsored Legislation
    1. Fee Schedule: Business and Professions Code section 2987
    2. SB 887 (Committee on Business, Professions and Economic Development) Consumer Affairs – Amendments to Suicide Risk Assessment and Intervention Coursework and Aging and Long-Term Care Coursework: Business and Professions Code sections 2915.4 and 2915.5
    3. Patient Privilege: Business and Professions Code section 2918
  - b) Review of Bills for Active Position Recommendations
    1. AB 282 (Aguiar-Curry) Psychologists: licensure
    2. AB 883 (Mathis) Business Licenses: U.S. Department of Defense SkillBridge program
    3. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy
    4. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes
    5. SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: licensees' and registrants' addresses
5. Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4.
6. Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

### **CLOSED SESSION**

The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

### **RETURN TO OPEN SESSION**

### **ADJOURNMENT**

Action may be taken on any item on the agenda. Items may be taken out of order or held over to a subsequent meeting, for convenience, to accommodate speakers, or to

maintain a quorum. Meetings of the Board of Psychology are open to the public except when specifically noticed otherwise, in accordance with the Open Meeting Act.

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

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

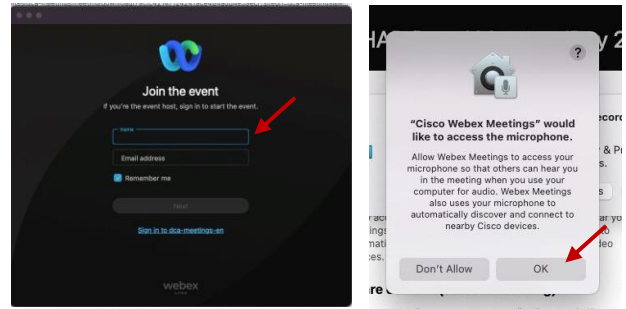
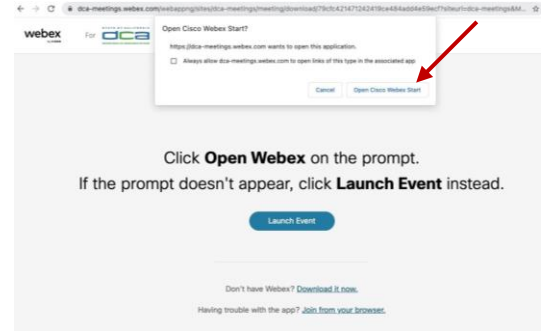
You may access this agenda and the meeting materials at [www.psychology.ca.gov](http://www.psychology.ca.gov). The meeting may be canceled without notice. To confirm a specific meeting, please contact the Board.

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

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

## If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.
- 3 Enter your name and email address\*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

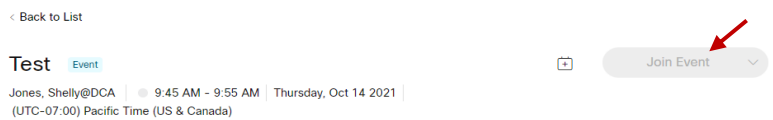
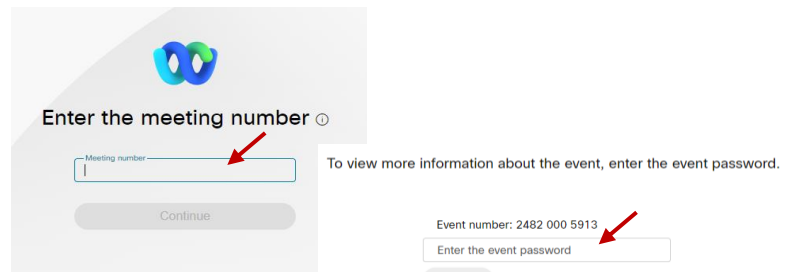
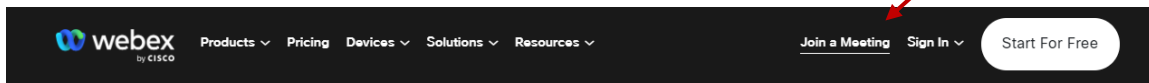


\* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

OR

## If joining from Webex.com

- 1 Click on "Join a Meeting" at the top of the Webex window.
- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.
- 3 The meeting information will be displayed. Click "Join Event".



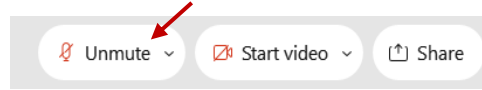
OR

## Connect via telephone\*:

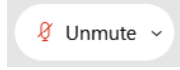
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

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

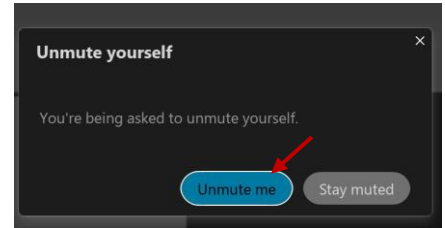


Green microphone = Unmuted: People in the meeting can hear you.



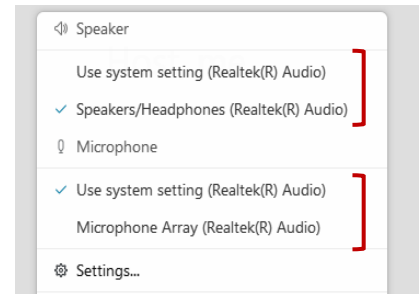
Red microphone = Muted: No one in the meeting can hear you.

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



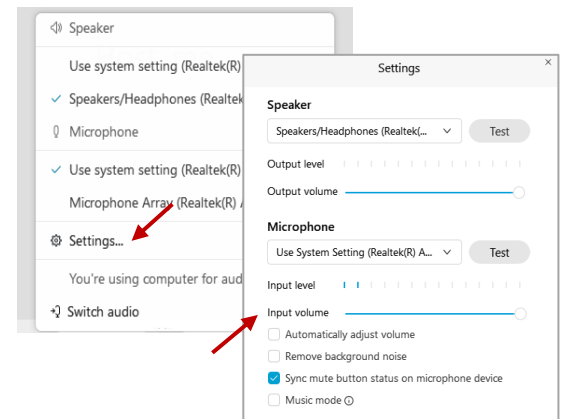
### If you cannot hear or be heard

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



### If your microphone volume is too low or too high

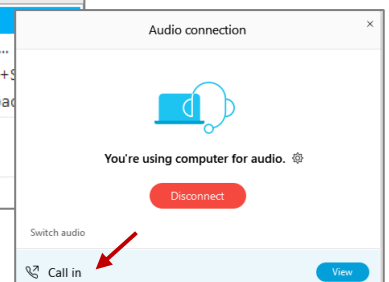
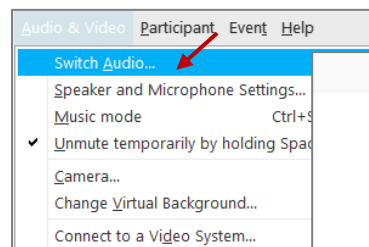
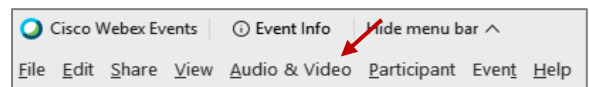
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



### Audio Connectivity Issues

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

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



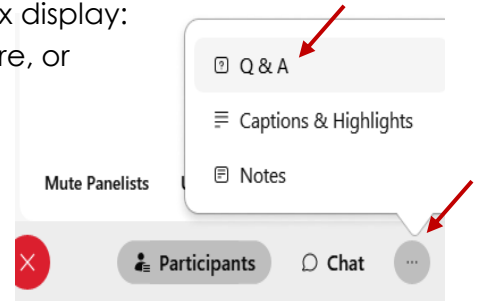
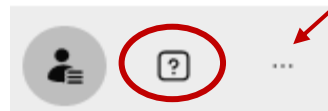
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

*NOTE: This feature is not accessible to those joining the meeting via telephone.*

### Q&A Feature

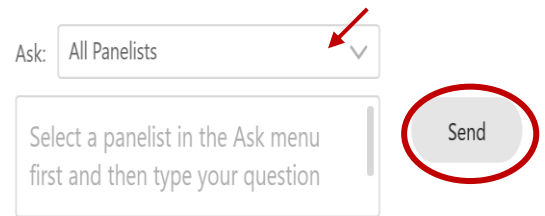
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

### Hand Raise Feature

- 1
- Hovering over your own name.
  - Clicking the hand icon that appears next to your name.
  - Repeat this process to lower your hand.

If connected via telephone:

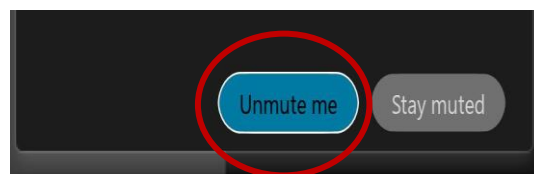
- Utilize the raise hand feature by pressing \*3 to raise your hand.
- Repeat this process to lower your hand.

### Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

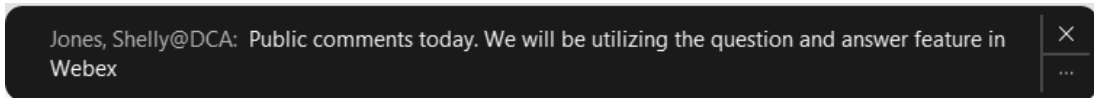


OR

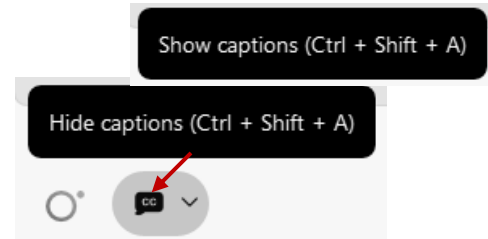
If connected via telephone:

- Press \*3 to unmute your microphone.

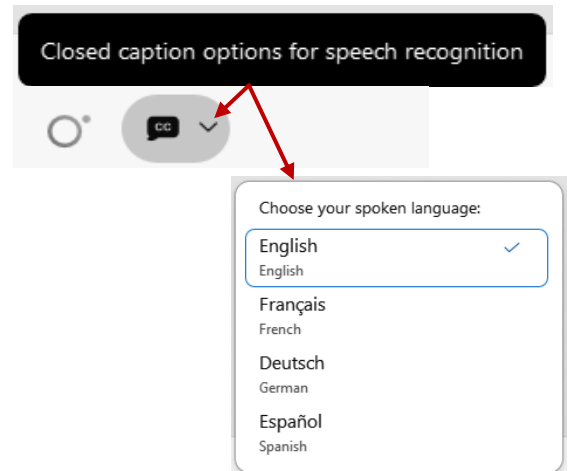
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



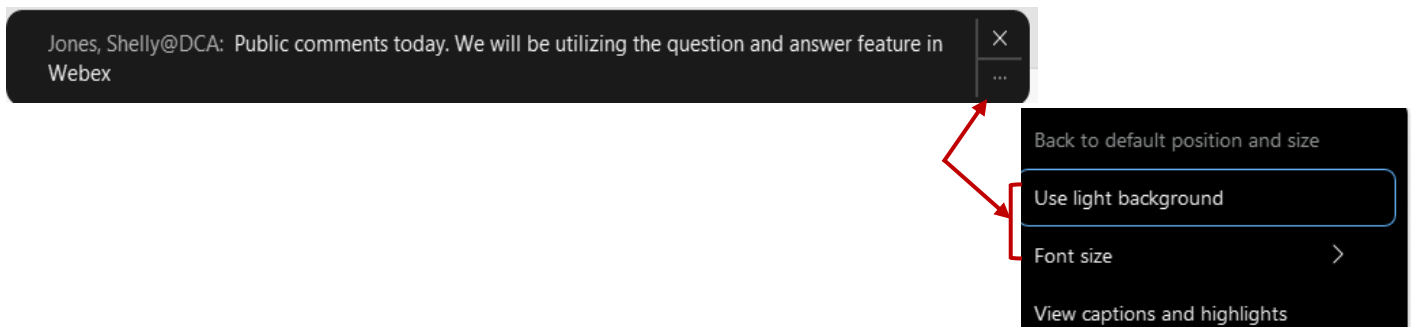
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(a)(1) Board-Sponsored Legislation – Fee Schedule: Business and Professions Code section 2987

### **Background**

The Board of Psychology is currently facing a budget structural deficit, with expenditures outpacing revenue streams. The Board has not increased its initial application or renewal fees since 1992 and as operating costs have increased, it has resulted in the structural imbalance.

On January 26, 2022, the newly formed Budget Ad Hoc Committee (Budget Committee) met with Board staff and were presented with application and renewal transaction cost options that will eliminate the Board's structural imbalance and rebuild its fund reserves.

On February 25, 2022, the Budget Committee held a public meeting, moderated by DCA's SOLID Training and Planning Solutions Unit to present stakeholders of the Board of Psychology with options that will eliminate the Board's structural imbalance. Public comment was provided by the California Psychological Association.

On April 29, 2022, the Board voted to accept the recommendation of the Budget Ad Hoc Committee allowing staff to provide a legislative proposal to the Assembly Committee on Business and Professions.

Staff have provided the legislative proposal to the Assembly Committee on Business and Professions as well as the Legislative Affairs Division within the Department of Consumer Affairs.

The Board has not sought an author for the proposed fee increase. Board staff have submitted Fee Increase Proposal to the Assembly and Senate Business and Professions Committees.

**Action Requested**

This item is for informational purposes only. There is no action required, Board staff will continue to monitor this proposal.

Attachment 1: Fee Change Proposed Amendments

CHAPTER 6.6. Psychologists [2900 - 2999]

*(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)*

ARTICLE 7. Revenue [2980 - 2989]

*( Article 7 added by Stats. 1967, Ch. 1677. )*

2987.

The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall ~~be not be more than fifty dollars (\$50)~~two hundred and thirty-six dollars (\$236).

(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The application fee for the California Psychology Law and Ethics Examination (CPLEE) shall be one hundred and twenty-seven dollars (\$127).

~~(d)(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The initial license fee for a psychologist shall be two hundred and thirty-one dollars (\$231).~~

~~(e)(d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400)~~seven hundred and ninety-five dollars (\$795). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500). The board may adopt regulations to set the fee at a higher amount, up to a maximum of one thousand one hundred dollars (\$1,100).

~~(f)(e) The application fee for registration as a registered psychological associate under Section 2913 shall not be more than seventy-five dollars (\$75).~~be four hundred and twenty-four dollars (\$424).

~~(g)(f) The annual renewal fee for registration of a psychological assistant shall be not be more than seventy-five dollars (\$75).~~two hundred and twenty four dollars (\$224). The board may adopt regulations to set the fee at a higher amount, up to a maximum of three hundred dollars (\$400).

~~(h)(g) The duplicate license or registration fee is five dollars (\$5).~~

~~(i)(h) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed one hundred fifty dollars (\$150).~~

~~(j)(i) The endorsement fee is five dollars (\$5).~~

~~(k)(j) The file transfer fee is ten dollars (\$10).~~

(l) The fee for Fingerprint Hard Card Processing for Out of State Applicants shall be one hundred and eighty-four dollars (\$184). Applicants shall also pay the actual cost to the

board of processing the fingerprint hard card with the Department of Justice and Federal Bureau of Investigation.

(m) The fee for a psychological associate to add or change their supervisor shall be two hundred and ten dollars (\$210). The fee shall be the actual cost to the board of processing the addition or change.

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

*(Amended by Stats. 2021, Ch. 647, Sec. 19. (SB 801) Effective January 1, 2022.)*

2988.

A licensed psychologist who for reasons, including, but not limited to, retirement, ill health, or absence from the state, is not engaged in the practice of psychology, may apply to the board to request that his or her license be placed on an inactive status. A licensed psychologist who holds an inactive license shall pay a biennial renewal fee, fixed by the board, ~~of no more than forty dollars (\$40)~~ of two hundred and twenty one dollars (\$221). The board may adopt regulations to set the fee at a higher amount, up to a maximum of three hundred dollars (\$400). A psychologist holding an inactive license shall be exempt from continuing education requirements specified in Section 2915, but shall otherwise be subject to this chapter and shall not engage in the practice of psychology in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed the continuing education requirements specified in Section 2915 may, upon their request have their license to practice psychology placed on active status.

## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(a)(2) Board-Sponsored Legislation – Suicide Risk Assessment and Intervention Coursework and Aging and Long-Term Care Coursework: Business and Professions Code sections 2915.4 and 2915.5

### **Background**

The Board's current statutory provisions relating to coursework specify that applicants for licensure shall submit to the Board a written certification from the registrar or training director of the graduating educational institution stating that the coursework completed satisfies prelicensure educational requirements. The Board requires applicants for licensure to complete coursework in six specific subject areas in order to obtain licensure as a psychologist.

The Board believes that the application process could be streamlined if statute were amended to allow verification following review of a transcript that clearly indicated in the course title that the specified coursework had been completed. Additionally, the Board believes that to allow the department chair to act as an additional entity who could provide written certification would be an added convenience for applicants, in cases where the course title did not adequately indicate the coursework completed.

On August 19, 2022, the Board voted to support the Licensure Committee request to approve the proposed amendments and delegate authority to the Executive Officer to seek an author for legislation regarding these requirements.

The Senate Business, Professions and Economic Development Committee accepted the proposal for omnibus legislation.

On March 14, 2023 Senate Bill 887 – Consumer Affairs (Omnibus bill) was introduced.

**Action Requested**

This item is for informational purposes only. There is no action required, Board staff will continue to monitor this proposal.

Attachment 1: Senate Bill 887 proposed bill text

**Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Alvarado-Gil, Archuleta, Ashby, Becker, Dodd, Eggman, Glazer, Nguyen, Niello, Smallwood-Cuevas, Wahab, and Wilk)**

March 14, 2023

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An act to amend Sections 2530.3, 2532, 2532.5, 2535.4, 2537.3, 2538.20, 2538.21, 2538.27, 2538.28, 2538.30, 2538.32, 2538.33, 2538.34, 2538.36, 2538.40, 2538.49, 2538.50, 2538.51, 2538.56, 2539.1, 2539.6, 2710, 2728, 2732, 2732.1, 2733, 2734, 2736, 2746.8, 2759, 2760, 2761, 2765, 2770.11, 2770.7, 2780, 2785.6, 2800, 2811, 2816, 2826, 2828, 2830.6, 2833, 2836, 2838.1, 2838.2, 2915.4, 2915.5, 4846, 4861, 4875.3, 4989.14, 5017.1, 5017.5, 5022, 5028, 5037, 5051, 5053, 5057, 5058.2, 5058.3, 5058.4, 5060, 5063.3, 5070.7, 5076, 5082.4, 5094, 5096.20, 5096.21, 5103.5, 5104, 5107, 5121, 5134, and 21638.5 of, to add Section 4990.11 to, and to repeal Sections 2738, 5029, and 5092.1 of, the Business and Professions Code, and to amend Sections 94874.8, 94874.9, 94878, 94897, 94902, 94905, 94910, 94910.5, 94911, 94913, 94941, 94942, and 94949.73 of the Education Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 887, as introduced, Committee on Business, Professions and Economic Development. Consumer affairs.

(1) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing to license and regulate the practice of nursing. Existing law authorizes special meetings of the board pursuant to a call of the president or board members, as provided, and requires the board to send a notice by mail to board members who are not parties to the call. Existing law authorizes the board to issue an interim permit to

practice nursing or a temporary certificate to practice professional nursing, or as a certified public health nurse, certified clinical nurse specialist, or certified nurse-midwife, upon approval of an application to be licensed or certified, as specified. Under existing law, the interim permit or temporary certificate terminates if the applicant fails the examination or if it is issued by mistake or the application for permanent licensure is denied, as applicable, upon notice by mail.

This bill would instead require the board to send the notice of a special meeting electronically instead of by mail. The bill would delete the notice requirement for terminating an interim permit or temporary certificate.

The act requires the board to establish categories of nurse practitioners and standards for each category, and requires the standards to take into account the types of advanced levels of nursing practice and the education needed to practice at each level.

This bill would require those standards to be as specified in a certain publication of the National Organization of Nurse Practitioner Faculties, or successor.

The act creates within the board a Nursing Education and Workforce Advisory Committee to study and recommend nursing education standards and solutions to workforce issues to the board, and requires one representative from the California State University Office of the Chancellor to serve on the committee.

This bill would specify an initial appointment for a term of 4 years for the representative from the California State University Office of the Chancellor.

This bill would also delete a requirement that the board hold at least 2 examinations each year, would update references to the National Board of Certification and Recertification of Nurse Anesthetists, and would make other technical and nonsubstantive changes to the act.

(2) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology. Existing law requires an applicant for licensure to show completion of specified training on suicide risk assessment and intervention and on aging and long-term care by submitting written verification from the registrar or training director of the educational institution or program from which the applicant graduated, except as specified.

This bill would also authorize an applicant to show completion of that training by submitting a transcript to the board indicating completion of the coursework.



(3) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board to license and regulate the practice of veterinary medicine. Existing law requires an individual, in order to obtain a license to practice veterinary medicine, to disclose each state, Canadian province, or United States territory in which the applicant holds or has ever held a license to practice veterinary medicine. Existing law requires license verification to be directly submitted to the board from each state, Canadian province, or United States territory. The act authorizes the board to establish one or more wellness evaluation committees consisting of 3 licensed veterinarians and 2 members of the public, and requires the board, in making appointments of the 3 licensed veterinarians, to consider individuals who have recovered from or who have knowledge and expertise in management of impairment.

This bill would also authorize license verification to be confirmed through electronic means. The bill would revise the composition of wellness evaluation committees to require at least one licensed veterinarian, at least 2 public members, and at least one registered veterinary technician. The bill would require the board to give consideration to appointing individuals with specified experience, knowledge, or expertise in impairment to be applicable to all appointments to a wellness evaluation committee.

The act authorizes an executive officer to issue a citation to a veterinarian, registered veterinary technician, or unlicensed person upon completion of an investigation and probable cause to believe that the person has violated the act. The act requires a veterinarian who reviews and investigates an alleged violation pursuant to those provisions to be licensed in or employed by the state and not out of practice for more than 4 years.

This bill would delete the provision requiring a veterinarian to be licensed or employed by the state and not out of practice for more than 4 years.

(4) Existing law establishes the Board of Behavioral Sciences to license and regulate licensed clinical social workers, licensed educational psychologists, licensed marriage and family therapists, and licensed professional clinical counselors. Existing law requires the board to keep an accurate record of all applicants for licensure and all individuals to whom it has issued a license.

This bill would authorize a person to rely upon the licensing and registration information displayed on the board's internet website for purposes of license and registration verification.

(5) Existing law, the Educational Psychologist Practice Act, provides for the licensing and regulation of the practice of educational psychology by the Board of Behavioral Sciences and defines “educationally related mental health services” for purposes of supervising associate marriage and family therapists, associate clinical social workers, or associate professional clinical counselors.

This bill would also make the definition applicable for purposes of supervising marriage and family therapist trainees.

(6) Existing law establishes the California Board of Accountancy to license and regulate accountants, and authorizes the board to establish an advisory continuing education committee to perform specified duties, including evaluating programs and advising the board as to whether they qualify under regulations adopted by the board. Existing law requires an accounting firm to have a peer review report of its accounting and auditing practice every 3 years in order to renew its registration or convert to an active status, and requires a firm issued a substandard peer review report to submit a copy of the report to the board. Under existing law, an individual whose principal place of business is not in California and who has a valid and current license, certificate, or permit to practice public accountancy from another state may engage in the practice of public accountancy in California through a practice privilege if specified conditions are met. Existing law establishes an annual fee to be charged an individual for a practice privilege.

This bill would delete the provision authorizing the board to establish an advisory continuing education committee. The bill would require a firm issued a peer report with a rating of “fail” instead of a substandard peer report to submit a copy of the report to the board. The bill would delete the annual fee for a practice privilege.

(7) Existing law requires every secondhand dealer and coin dealer to report the receipt or purchase of secondhand tangible personal property, except firearms, to the California Pawn and Secondhand Dealer System (CAPSS), a system operated by the Department of Justice. Existing law requires every secondhand dealer and coin dealer to retain in their possession for 7 days all tangible personal property reported electronically to CAPSS.

This bill would make the holding period specified above inapplicable to personal property pledged to a pawnbroker with respect to the redemption of personal property by the pledgor.

(8) Existing law, the California Private Postsecondary Education Act of 2009, provides for student protections and regulatory oversight of

private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. Existing law authorizes an institution that has been granted approval to operate by the bureau to indicate that the institution is licensed or licensed to operate.

This bill would delete that authorization, and would make other technical and nonsubstantive changes to the act.

(9) Existing law, the Speech-Language Pathologist and Audiologist and Hearing Aid Dispensers Licensure Act, establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to license and regulate speech-language pathologists, audiologists, and hearing aid dispensers. Under the act, when specified conditions are found to exist, a licensed audiologist is required to, prior to fitting or selling a hearing aid to any individual, suggest to that individual in writing that their best interests would be served if they consult a licensed physician specializing in diseases of the ear, or, if no licensed physician is available in the community, then to a duly licensed physician.

This bill would require a licensed audiologist in the above-specified circumstance to suggest the individual consult a licensed physician and surgeon specializing in diseases of the ear, or, if none are available in the community, then to any duly licensed physician and surgeon. The bill would make technical and other nonsubstantive changes to that act and to other provisions in this bill, including changes relating to the elimination of gendered pronouns.

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 2530.3 of the Business and Professions  
2 Code is amended to read:  
3 2530.3. (a) A person represents ~~himself or herself~~ *themselves*  
4 to be a speech-language pathologist when ~~he or she holds himself~~  
5 ~~or herself~~ *they hold themselves* out to the public by any title or  
6 description of services incorporating the words “speech  
7 pathologist,” “speech pathology,” “speech therapy,” “speech  
8 correction,” “speech correctionist,” “speech therapist,” “speech  
9 clinic,” “speech clinician,” “language pathologist,” “language  
10 pathology,” “logopedics,” “logopedist,” “communicology,”  
11 “communicologist,” “aphasiologist,” “voice therapy,” “voice

1 therapist,” “voice pathology,” or “voice pathologist,” “language  
 2 therapist,” or “phoniatriest,” or any similar titles; or when ~~he or she~~  
 3 ~~purports~~ *they purport* to treat stuttering, stammering, or other  
 4 disorders of speech.

5 (b) A person represents ~~himself or herself~~ *themselves* to be an  
 6 audiologist when ~~he or she holds himself or herself~~ *they hold*  
 7 *themselves* out to the public by any title or description of services  
 8 incorporating the terms “audiology,” “audiologist,” “audiological,”  
 9 “hearing clinic,” “hearing clinician,” “hearing therapist,” or any  
 10 similar titles.

11 SEC. 2. Section 2532 of the Business and Professions Code is  
 12 amended to read:

13 2532. No person shall engage in the practice of speech-language  
 14 pathology or audiology or represent ~~himself or herself~~ *themselves*  
 15 as a speech-language pathologist or audiologist unless ~~he or she~~  
 16 *is they are* licensed in accordance with this chapter.

17 SEC. 3. Section 2532.5 of the Business and Professions Code  
 18 is amended to read:

19 2532.5. Every person holding a license under this chapter shall  
 20 display it conspicuously in ~~his or her~~ *their* primary place of  
 21 practice.

22 SEC. 4. Section 2535.4 of the Business and Professions Code  
 23 is amended to read:

24 2535.4. A person who fails to renew ~~his or her~~ *their* license  
 25 within the five years after its expiration may not renew it, and it  
 26 may not be restored, reissued, or reinstated thereafter, but that  
 27 person may apply for and obtain a new license if ~~he or she~~ *meets*  
 28 *they meet* all of the following requirements:

29 (a) ~~Has~~ *Have* not committed any acts or crimes constituting  
 30 grounds for denial of licensure under Division 1.5 (commencing  
 31 with Section 475).

32 (b) ~~Takes and passes~~ *Take and pass* the examination or  
 33 examinations, if any, ~~which that~~ *that* would be required of ~~him or her~~  
 34 *them* if an initial application for licensure was being made, or  
 35 otherwise establishes to the satisfaction of the board that, with due  
 36 regard for the public interest, ~~he or she~~ *is they are* qualified to  
 37 practice as a speech-language pathologist or audiologist, as the  
 38 case may be.

39 (c) Pays all of the fees that would be required if an initial  
 40 application for licensure was being made. In addition, the board

1 may charge the applicant a fee to cover the actual costs of any  
2 examination that it may administer.

3 SEC. 5. Section 2537.3 of the Business and Professions Code  
4 is amended to read:

5 2537.3. The income of a speech-language pathology  
6 corporation or an audiology corporation attributable to professional  
7 services rendered while a shareholder is a disqualified person, as  
8 defined in Section 13401 of the Corporations Code, shall not in  
9 any manner accrue to the benefit of that shareholder or ~~his or her~~  
10 ~~shares~~ *their share* in the speech-language pathology or audiology  
11 corporation.

12 SEC. 6. Section 2538.20 of the Business and Professions Code  
13 is amended to read:

14 2538.20. It is unlawful for an individual to engage in the  
15 practice of fitting or selling hearing aids, or to display a sign or in  
16 any other way to advertise or hold ~~himself or herself~~ *themselves*  
17 out as being so engaged without having first obtained a license  
18 from the board under the provisions of this article. Nothing in this  
19 article shall prohibit a corporation, partnership, trust, association  
20 or other like organization maintaining an established business  
21 address from engaging in the business of fitting or selling, or  
22 offering for sale, hearing aids at retail without a license, provided  
23 that any and all fitting or selling of hearing aids is conducted by  
24 the individuals who are licensed pursuant to the provisions of this  
25 article. A person whose license as a hearing aid dispenser has been  
26 suspended or revoked shall not be the proprietor of a business that  
27 engages in the practice of fitting or selling hearing aids nor shall  
28 that person be a partner, shareholder, member, or fiduciary in a  
29 partnership, corporation, association, or trust that maintains or  
30 operates that business, during the period of the suspension or  
31 revocation. This restriction shall not apply to stock ownership in  
32 a corporation that is listed on a stock exchange regulated by the  
33 Securities and Exchange Commission if the stock is acquired in a  
34 transaction conducted through that stock exchange.

35 SEC. 7. Section 2538.21 of the Business and Professions Code  
36 is amended to read:

37 2538.21. This article does not apply to a person engaged in the  
38 practice of fitting hearing aids if ~~his~~ *their* practice is for a  
39 governmental agency, or private clinic, or is part of the academic  
40 curriculum of an accredited institution of higher education, or part

1 of a program conducted by a public, charitable institution or other  
2 nonprofit organization, and who does not engage directly or  
3 indirectly in the sale or offering for sale of hearing aids.

4 SEC. 8. Section 2538.27 of the Business and Professions Code  
5 is amended to read:

6 2538.27. (a) An applicant who has fulfilled the requirements  
7 of Section 2538.24 and has made application therefor, may have  
8 a temporary license issued to ~~him or her~~ *them* upon satisfactory  
9 proof to the board that the applicant holds a hearing aid dispenser's  
10 license in another state, that the licensee has not been subject to  
11 formal disciplinary action by another licensing authority, and that  
12 the applicant has been engaged in the fitting and sale of hearing  
13 aids for the two years immediately prior to application.

14 (b) A temporary license issued pursuant to this section shall be  
15 valid for one year from date of issuance and is not renewable. A  
16 temporary license shall automatically terminate upon issuance of  
17 a license prior to expiration of the one-year period.

18 (c) The holder of a temporary license issued pursuant to this  
19 section who fails either license examination shall be subject to and  
20 shall comply with the supervision requirements of Section 2538.28  
21 and any regulations adopted pursuant thereto.

22 SEC. 9. Section 2538.28 of the Business and Professions Code  
23 is amended to read:

24 2538.28. (a) An applicant who has fulfilled the requirements  
25 of Section 2538.24, and has made application therefor, and who  
26 proves to the satisfaction of the board that ~~he or she~~ *they* will be  
27 supervised and trained by a hearing aid dispenser who is approved  
28 by the board may have a trainee license issued to ~~him or her~~ *them*.  
29 The trainee license shall entitle the trainee licensee to fit or sell  
30 hearing aids as set forth in regulations of the board. The supervising  
31 dispenser shall be responsible for any acts or omissions committed  
32 by a trainee licensee under ~~his or her~~ *their* supervision that may  
33 constitute a violation of this chapter.

34 (b) The board shall adopt regulations setting forth criteria for  
35 its refusal to approve a hearing aid dispenser to supervise a trainee  
36 licensee, including procedures to appeal that decision.

37 (c) A trainee license issued pursuant to this section is effective  
38 and valid for six months from date of issue. The board may renew  
39 the trainee license for an additional period of six months. Except  
40 as provided in subdivision (d), the board shall not issue more than

1 two renewals of a trainee license to any applicant. Notwithstanding  
2 subdivision (d), if a trainee licensee who is entitled to renew a  
3 trainee license does not renew the trainee license and applies for  
4 a new trainee license at a later time, the new trainee license shall  
5 only be issued and renewed subject to the limitations set forth in  
6 this subdivision.

7 (d) A new trainee license may be issued pursuant to this section  
8 if a trainee license issued pursuant to subdivision (c) has lapsed  
9 for a minimum of three years from the expiration or cancellation  
10 date of the previous trainee license. The board may issue only one  
11 new trainee license under this subdivision.

12 SEC. 10. Section 2538.30 of the Business and Professions  
13 Code is amended to read:

14 2538.30. (a) A temporary or trainee licensee shall not be the  
15 sole proprietor of, manage, or independently operate a business  
16 ~~which~~ *that* engages in the fitting or sale of hearing aids.

17 (b) A temporary or trainee licensee shall not advertise or  
18 otherwise represent that ~~he or she holds~~ *they hold* a license as a  
19 hearing aid dispenser.

20 SEC. 11. Section 2538.32 of the Business and Professions  
21 Code is amended to read:

22 2538.32. Every applicant who obtains a passing score  
23 determined by the Angoff criterion-referenced method of  
24 establishing the point in each examination shall be deemed to have  
25 passed that examination. An applicant shall pass the written  
26 examination before ~~he or she~~ *they* may take the practical  
27 examination. An applicant shall obtain a passing score on both the  
28 written and the practical examination in order to be issued a license.

29 SEC. 12. Section 2538.33 of the Business and Professions  
30 Code is amended to read:

31 2538.33. (a) Before engaging in the practice of fitting or selling  
32 hearing aids, each licensee shall notify the board in writing of the  
33 address or addresses where ~~he or she is~~ *they are* to engage, or  
34 ~~intends~~ *intend* to engage, in the practice of fitting or selling hearing  
35 aids, and of any changes in ~~his or her~~ *their* place of business within  
36 30 days of engaging in that practice.

37 (b) If a street address is not the address at which the licensee  
38 receives mail, the licensee shall also notify the board in writing of  
39 the mailing address for each location where the licensee is to  
40 engage, or intends to engage, in the practice of fitting or selling

1 hearing aids, and of any change in the mailing address of ~~his or~~  
 2 ~~her~~ *their* place or places of business.

3 SEC. 13. Section 2538.34 of the Business and Professions  
 4 Code is amended to read:

5 2538.34. (a) Every licensee who engages in the practice of  
 6 fitting or selling hearing aids shall have and maintain an established  
 7 retail business address to engage in that fitting or selling, routinely  
 8 open for service to customers or clients. The address of the  
 9 licensee's place of business shall be registered with the board as  
 10 provided in Section 2538.33.

11 (b) Except as provided in subdivision (c), if a licensee maintains  
 12 more than one place of business within this state, ~~he or she~~ *they*  
 13 shall apply for and procure a duplicate license for each branch  
 14 office maintained. The application shall state the name of the  
 15 person and the location of the place or places of business for which  
 16 the duplicate license is desired.

17 (c) A hearing aid dispenser may, without obtaining a duplicate  
 18 license for a branch office, engage on a temporary basis in the  
 19 practice of fitting or selling hearing aids at the primary or branch  
 20 location of another licensee's business or at a location or facility  
 21 that ~~he or she~~ *they* may use on a temporary basis, provided that  
 22 the hearing aid dispenser notifies the board in advance in writing  
 23 of the dates and addresses of those businesses, locations, or  
 24 facilities at which ~~he or she~~ *they* will engage in the practice of  
 25 fitting or selling hearing aids.

26 SEC. 14. Section 2538.36 of the Business and Professions  
 27 Code is amended to read:

28 2538.36. (a) Whenever any of the following conditions are  
 29 found to ~~exist~~ *exist*, either from observations by the licensee or ~~on~~  
 30 ~~the basis of~~ *based on* information furnished by the prospective  
 31 hearing aid user, a licensee shall, ~~prior to~~ *before* fitting or selling  
 32 a hearing aid to any individual, suggest to that individual in writing  
 33 that ~~his or her best interests would be served if he or she would~~ *it*  
 34 *would be in the individual's best interest to consult* ~~a~~ *with a*  
 35 licensed physician *and surgeon* specializing in diseases of the ear  
 36 ~~or ear; or, if no such licensed physician is~~ *none are* available in  
 37 the ~~community~~ *community*, then to ~~a~~ *any* duly licensed ~~physician:~~  
 38 *physician and surgeon:*

39 (1) Visible congenital or traumatic deformity of the ear.



1 (2) History of, or active drainage from the ear within the  
2 previous 90 days.

3 (3) History of sudden or rapidly progressive hearing loss within  
4 the previous 90 days.

5 (4) Acute or chronic dizziness.

6 (5) Unilateral hearing loss of sudden or recent onset within the  
7 previous 90 days.

8 (6) Significant air-bone gap ~~(when when~~ generally acceptable  
9 standards have been ~~established~~). *established*.

10 (7) Visible evidence of significant cerumen accumulation or a  
11 foreign body in the ear canal.

12 (8) Pain or discomfort in the ear.

13 (b) No referral for medical opinion need be made by any licensee  
14 in the instance of replacement only of a hearing aid that has been  
15 lost or damaged beyond repair within one year of the date of  
16 purchase. A copy of the written recommendation shall be retained  
17 by the licensee for the period provided for in Section 2538.38. A  
18 person receiving the written recommendation who elects to  
19 purchase a hearing aid shall sign a ~~receipt for the same~~, *receipt*,  
20 and the receipt shall be kept with ~~the other papers~~ *documents*  
21 retained by the licensee for the period provided for in Section  
22 2538.38. Nothing in this section required to be performed by a  
23 licensee shall mean that the licensee is engaged in the diagnosis  
24 of illness or the practice of medicine or any other activity  
25 prohibited by the provisions of this code.

26 SEC. 15. Section 2538.40 of the Business and Professions  
27 Code is amended to read:

28 2538.40. (a) Upon denial of an application for license, the  
29 board shall notify the applicant in ~~writing, stating (1) the writing~~  
30 *of the following*:

31 (1) ~~The reason for the denial and (2) that denial.~~

32 (2) ~~That the applicant has a right to a hearing under Section~~  
33 ~~2533.2 if he or she makes they make a written request therefor~~  
34 ~~within 60 days after notice of denial. Service~~

35 (b) *Service* of the notice required by this section may be made  
36 by certified mail addressed to the applicant at the latest address  
37 filed by the applicant in writing with the board in ~~his or her~~ *their*  
38 application or otherwise.

39 SEC. 16. Section 2538.49 of the Business and Professions  
40 Code is amended to read:

1 2538.49. It is unlawful for a licensed hearing aid dispenser to  
 2 fit or sell a hearing aid unless ~~he or she first does~~ *they first do* all  
 3 of the following:

4 (a) ~~Complies~~ *Comply* with all provisions of state laws and  
 5 regulations relating to the fitting or selling of hearing aids.

6 (b) ~~Conducts~~ *Conduct* a direct observation of the purchaser's  
 7 ear canals.

8 (c) ~~Informs~~ *Inform* the purchaser of the address and office hours  
 9 at which the licensee shall be available for fitting or postfitting  
 10 adjustments and servicing of the hearing aid or aids sold.

11 SEC. 17. Section 2538.50 of the Business and Professions  
 12 Code is amended to read:

13 2538.50. It is unlawful to advertise by displaying a sign or  
 14 otherwise or hold ~~himself or herself~~ *themselves* out to be a person  
 15 engaged in the practice of fitting or selling hearing aids without  
 16 having at the time of so doing a valid, unrevoked license or  
 17 temporary license.

18 SEC. 18. Section 2538.51 of the Business and Professions  
 19 Code is amended to read:

20 2538.51. It is unlawful to engage in the practice of fitting or  
 21 selling hearing aids without the licensee having and maintaining  
 22 an established business address, routinely open for service to ~~his~~  
 23 ~~or her~~ *their* clients.

24 SEC. 19. Section 2538.56 of the Business and Professions  
 25 Code is amended to read:

26 2538.56. A license that is not renewed within three years after  
 27 its expiration may not be renewed, restored, reissued, or reinstated  
 28 thereafter, but the holder of the expired license may apply for and  
 29 obtain a new license if all of the following apply:

30 (a) ~~He or she has~~ *They have* not committed acts or crimes  
 31 constituting grounds for denial of licensure under Section 480.

32 (b) ~~He or she pays all~~ *They pay all of* the fees that would be  
 33 required of ~~him or her~~ if he or she were ~~then~~ *if they were* applying  
 34 for a license for the first time.

35 (c) ~~He or she takes and passes~~ *They take and pass* the  
 36 examination that would be required of ~~him or her~~ if he or she were  
 37 ~~then~~ *if they were* applying for a license for the first time, or  
 38 otherwise establishes to the satisfaction of the board that ~~he or she~~  
 39 *is they are* qualified to engage in the practice of fitting or selling  
 40 hearing aids. The board may, by regulation, provide for the waiver

1 or refund of all or any part of the application fee in those cases in  
2 which a license is issued without an examination under this section.

3 SEC. 20. Section 2539.1 of the Business and Professions Code  
4 is amended to read:

5 2539.1. (a) (1) On and after January 1, 2010, in addition to  
6 satisfying the licensure and examination requirements described  
7 in Sections 2532, 2532.2, and 2532.25, no licensed audiologist  
8 shall sell hearing aids unless they complete an application for a  
9 dispensing audiology license, ~~pays~~ *pay* all applicable fees, and  
10 ~~passes~~ *pass* an examination, approved by the board, relating to  
11 selling hearing aids.

12 (2) The board shall issue a dispensing audiology license to a  
13 licensed audiologist who meets the requirements of paragraph (1).

14 (b) (1) On and after January 1, 2010, a licensed audiologist  
15 with an unexpired license to sell hearing aids pursuant to Article  
16 8 (commencing with Section 2538.10) may continue to sell hearing  
17 aids pursuant to that license until that license expires pursuant to  
18 Section 2538.53, and upon that expiration the licensee shall be  
19 deemed to have satisfied the requirements described in subdivision  
20 (a) and may continue to sell hearing aids pursuant to their  
21 audiology license subject to the provisions of this chapter. Upon  
22 the expiration of the audiologist's license to sell hearing aids, the  
23 board shall issue them a dispensing audiology license pursuant to  
24 paragraph (2) of subdivision (a). This paragraph shall not prevent  
25 an audiologist who also has a hearing aid dispenser's license from  
26 maintaining dual or separate licenses if they choose to do so.

27 (2) A licensed audiologist whose license to sell hearing aids,  
28 issued pursuant to Article 8 (commencing with Section 2538.10),  
29 is suspended, surrendered, or revoked shall not be authorized to  
30 sell hearing aids pursuant to this subdivision and they shall be  
31 subject to the requirements described in subdivision (a) as well as  
32 the other provisions of this chapter.

33 (c) A licensed hearing aid dispenser who meets the qualifications  
34 for licensure as an audiologist shall be deemed to have satisfied  
35 the requirements of paragraph (1) of subdivision (a) for the  
36 purposes of obtaining a dispensing audiology license.

37 (d) For purposes of subdivision (a), the board shall provide the  
38 hearing aid dispenser's examination provided by the former  
39 Hearing Aid Dispensers Bureau until such time as the next  
40 examination validation and occupational analysis is completed by

1 the Department of Consumer Affairs pursuant to Section 139 and  
2 a determination is made that a different examination is to be  
3 administered.

4 SEC. 21. Section 2539.6 of the Business and Professions Code  
5 is amended to read:

6 2539.6. (a) Whenever any of the following conditions are  
7 found to exist either from observations by the licensed audiologist  
8 or on the basis of information furnished by the prospective hearing  
9 aid user, a licensed audiologist shall, prior to fitting or selling a  
10 hearing aid to any individual, suggest to that individual in writing  
11 that ~~his or her~~ *the individual's* best interests would be served if  
12 ~~he or she would~~ *they* consult a licensed physician *and surgeon*  
13 specializing in diseases of the ear ~~or if no licensed physician is or,~~  
14 ~~if none are available in the community then to a community,~~ a duly  
15 licensed ~~physician;~~ *physician and surgeon.*

16 (1) Visible congenital or traumatic deformity of the ear.

17 (2) History of, or active, drainage from the ear within the  
18 previous 90 days.

19 (3) History of sudden or rapidly progressive hearing loss within  
20 the previous 90 days.

21 (4) Acute or chronic dizziness.

22 (5) Unilateral hearing loss of sudden or recent onset within the  
23 previous 90 days.

24 (6) Significant air-bone gap (when generally acceptable  
25 standards have been established).

26 (7) Visible evidence of significant cerumen accumulation or a  
27 foreign body in the ear canal.

28 (8) Pain or discomfort in the ear.

29 (b) No referral for medical opinion need be made by any  
30 licensed audiologist in the instance of replacement only of a hearing  
31 aid that has been lost or damaged beyond repair within one year  
32 of the date of purchase. A copy of the written recommendation  
33 shall be retained by the licensed audiologist for the period provided  
34 for in Section 2539.10. A person receiving the written  
35 recommendation who elects to purchase a hearing aid shall sign a  
36 receipt for the same, and the receipt shall be kept with the other  
37 papers retained by the licensed audiologist for the period provided  
38 for in Section 2539.10. Nothing in this section required to be  
39 performed by a licensed audiologist shall mean that the licensed  
40 audiologist is engaged in the diagnosis of illness or the practice of

1 medicine or any other activity prohibited by the provisions of this  
2 code.

3 SEC. 22. Section 2710 of the Business and Professions Code  
4 is amended to read:

5 2710. (a) Special meetings may be held at such times as the  
6 board may elect, or on the call of the president of the board, or of  
7 not less than three members thereof.

8 ~~A~~

9 (b) A written notice of the time, ~~place~~ *place*, and object of any  
10 special meeting shall be ~~mailed~~ *sent electronically* by the executive  
11 officer to all members of the board who are not parties to the call,  
12 at least ~~fifteen~~ *15* days before the day of the meeting.

13 SEC. 23. Section 2728 of the Business and Professions Code  
14 is amended to read:

15 2728. If adequate medical and nursing supervision by a  
16 professional nurse or nurses is provided, nursing service may be  
17 given by attendants, psychiatric technicians, or psychiatric  
18 technician interim permittees in institutions under the jurisdiction  
19 of the State Department of State Hospitals or the State Department  
20 of Developmental Services or subject to visitation by the State  
21 Department of Public Health or the Department of Corrections  
22 and Rehabilitation. Services ~~so~~ given by a psychiatric technician  
23 shall be limited to services ~~which he or she is~~ *that they are*  
24 authorized to perform by ~~his or her~~ *their* license as a psychiatric  
25 technician. Services ~~so~~ given by a psychiatric technician interim  
26 permittee shall be limited to skills included in ~~his or her~~ *their* basic  
27 course of study and performed under the supervision of a licensed  
28 psychiatric technician or registered nurse.

29 The Director of State Hospitals, the Director of Developmental  
30 Services, and the State Public Health Officer shall determine what  
31 shall constitute adequate medical and nursing supervision in any  
32 institution under the jurisdiction of the State Department of State  
33 Hospitals or the State Department of Developmental Services or  
34 subject to visitation by the State Department of Public Health.

35 Notwithstanding any other provision of law, institutions under  
36 the jurisdiction of the State Department of State Hospitals or the  
37 State Department of Developmental Services may utilize graduates  
38 of accredited psychiatric technician training programs who are not  
39 licensed psychiatric technicians or psychiatric technician interim  
40 permittees to perform skills included in their basic course of study

1 when supervised by a licensed psychiatric technician or registered  
2 nurse, for a period not to exceed nine months.

3 SEC. 24. Section 2732 of the Business and Professions Code  
4 is amended to read:

5 2732. No person shall engage in the practice of nursing, as  
6 defined in Section 2725, without holding a license ~~which~~ *that* is  
7 in an active status issued under this chapter except as otherwise  
8 provided in this act.

9 Every licensee may be known as a registered nurse and may  
10 place the letter “R.N.” after ~~his~~ *their* name.

11 SEC. 25. Section 2732.1 of the Business and Professions Code  
12 is amended to read:

13 2732.1. (a) An applicant for license by examination shall  
14 submit a written application in the form prescribed by the board.

15 Upon approval of the application, the board may issue an interim  
16 permit authorizing the applicant to practice nursing pending the  
17 results of the first licensing examination following completion of  
18 ~~his or her~~ *their* nursing course or for a maximum period of six  
19 months, whichever occurs first.

20 If the applicant passes the examination, the interim permit shall  
21 remain in effect until a regular renewable license is issued by the  
22 board. If the applicant fails the examination, the interim permit  
23 shall ~~terminate upon notice thereof by first-class mail.~~ *terminate.*

24 (b) The board upon written application may issue a license  
25 without examination to any applicant who is licensed or registered  
26 as a nurse in a state, district or territory of the United States or  
27 Canada having, in the opinion of the board, requirements for  
28 licensing or registration equal to or higher than those in California  
29 at the time the application is filed with the Board of Registered  
30 Nursing, if ~~he or she has~~ *they have* passed an examination for the  
31 license or registration that is, in the board’s opinion, comparable  
32 to the board’s examination, and if ~~he or she meets~~ *they meet* all  
33 the other requirements set forth in Section 2736.

34 (c) Each application shall be accompanied by the fee prescribed  
35 by this chapter for the filing of an application for a regular  
36 renewable license.

37 The interim permit shall ~~terminate upon notice thereof by~~  
38 ~~first-class mail,~~ *terminate* if it is issued by mistake or if the  
39 application for permanent licensure is denied.

1 SEC. 26. Section 2733 of the Business and Professions Code  
2 is amended to read:

3 2733. (a) (1) (A) Upon approval of an application filed  
4 pursuant to subdivision (b) of Section 2732.1, and upon the  
5 payment of the fee prescribed by subdivision (k) of Section 2815,  
6 the board may issue a temporary license to practice professional  
7 nursing, and a temporary certificate to practice as a certified public  
8 health nurse for a period of six months from the date of issuance.

9 (B) Upon approval of an application filed pursuant to  
10 subdivision (b) of Section 2732.1, and upon the payment of the  
11 fee prescribed by subdivision (d) of Section 2838.2, the board may  
12 issue a temporary certificate to practice as a certified clinical nurse  
13 specialist for a period of six months from the date of issuance.

14 (C) Upon approval of an application filed pursuant to  
15 subdivision (b) of Section 2732.1, and upon the payment of the  
16 fee prescribed by subdivision (e) of Section 2815.5, the board may  
17 issue a temporary certificate to practice as a certified nurse-midwife  
18 for a period of six months from the date of issuance.

19 (D) Upon approval of an application filed pursuant to  
20 subdivision (b) of Section 2732.1, and upon the payment of the  
21 fee prescribed by subdivision (d) of Section 2830.7, the board may  
22 issue a temporary certificate to practice as a certified nurse  
23 anesthetist for a period of six months from the date of issuance.

24 (E) Upon approval of an application filed pursuant to subdivision  
25 (b) of Section 2732.1, and upon the payment of the fee prescribed  
26 by subdivision (p) of Section 2815, the board may issue a  
27 temporary certificate to practice as a certified nurse practitioner  
28 for a period of six months from the date of issuance.

29 (2) A temporary license or temporary certificate shall ~~terminate~~  
30 ~~upon notice thereof by certified mail, return receipt requested,~~  
31 *terminate* if it is issued by mistake or if the application for  
32 permanent licensure is denied.

33 (b) Upon written application, the board may reissue a temporary  
34 license or temporary certificate to any person who has applied for  
35 a regular renewable license pursuant to subdivision (b) of Section  
36 2732.1 and who, in the judgment of the board has been excusably  
37 delayed in completing their application for or the minimum  
38 requirements for a regular renewable license, but the board may  
39 not reissue a temporary license or temporary certificate more than  
40 twice to any one person.

1 (c) The board shall prominently display on the front page of its  
2 website the availability of temporary licenses and certificates  
3 pursuant to this section.

4 SEC. 27. Section 2734 of the Business and Professions Code  
5 is amended to read:

6 2734. Upon application in writing to the board and payment  
7 of the biennial renewal fee, a licensee may have ~~his~~ *their* license  
8 placed in an inactive status for an indefinite period of time. A  
9 licensee whose license is in an inactive status may not practice  
10 nursing. However, ~~such~~ a licensee does not have to comply with  
11 the continuing education standards of Section 2811.5.

12 SEC. 28. Section 2736 of the Business and Professions Code  
13 is amended to read:

14 2736. (a) An applicant for licensure as a registered nurse shall  
15 comply with each of the following:

16 (1) Have completed such general preliminary education  
17 requirements as shall be determined by the board.

18 (2) Have successfully completed the courses of instruction  
19 prescribed by the board for licensure, in a program in this state  
20 accredited by the board for training registered nurses, or have  
21 successfully completed courses of instruction in a school of nursing  
22 outside of this state which, in the opinion of the board at the time  
23 the application is filed with the Board of Registered Nursing, are  
24 equivalent to the minimum requirements of the board for licensure  
25 established for an accredited program in this state.

26 (3) Not be subject to denial of licensure under Section 480.

27 (b) An applicant who has received ~~his or her~~ *their* training from  
28 a school of nursing in a country outside the United States and who  
29 has complied with the provisions of subdivision (a), or has  
30 completed training equivalent to that required by subdivision (a),  
31 shall qualify for licensure by successfully passing the examination  
32 prescribed by the board.

33 SEC. 29. Section 2738 of the Business and Professions Code  
34 is repealed.

35 ~~2738. The board shall hold not less than two examinations each  
36 year at such times and places as the board may determine.~~

37 SEC. 30. Section 2746.8 of the Business and Professions Code  
38 is amended to read:

39 2746.8. (a) Each certificate issued pursuant to this article shall  
40 be renewable biennially, and each person holding a certificate



1 under this article shall apply for a renewal of ~~his~~ *the* certificate  
 2 and pay the biennial renewal fee required by Section 2815.5 every  
 3 two years on or before the last day of the month following the  
 4 month in which ~~his~~ *their* birthday occurs, beginning with the  
 5 second birthday following the date on which the certificate was  
 6 issued, whereupon the board shall renew the certificate.

7 ~~Each such~~

8 (b) ~~Each~~ certificate *that is* not renewed in accordance with this  
 9 section shall ~~expire~~ *expire*, but ~~may~~ *may*, within a period of eight  
 10 ~~years thereafter~~ *years*, be reinstated upon payment of the biennial  
 11 renewal fee and penalty fee required by Section 2815.5 and ~~upon~~  
 12 submission of ~~such~~ proof of the applicant's qualifications as may  
 13 be required by the ~~board~~, ~~except that during such~~ *board*. ~~During~~  
 14 ~~the eight-year period~~ *period*, no examination shall be required as  
 15 a condition for the reinstatement of ~~any such~~ *an* expired certificate  
 16 ~~which~~ *that* has lapsed solely by reason of nonpayment of the  
 17 renewal fee. After the expiration of ~~such~~ *the* eight-year ~~period~~  
 18 ~~period~~, the board may ~~require~~ *require*, as a condition of  
 19 ~~reinstatement~~ *reinstatement*, that the applicant pass ~~such~~ *an*  
 20 examination as it deems necessary to determine ~~his~~ *the applicant's*  
 21 present fitness to resume the practice of nurse-midwifery.

22 SEC. 31. Section 2759 of the Business and Professions Code  
 23 is amended to read:

24 2759. The board shall discipline the holder of any license,  
 25 whose default has been entered or who has been heard by the board  
 26 and found guilty, by any of the following methods:

- 27 (a) Suspending judgment.
- 28 (b) Placing ~~him or her~~ upon *them* probation.
- 29 (c) Suspending ~~his or her~~ *their* right to practice nursing for a  
 30 period not exceeding one year.
- 31 (d) Revoking ~~his or her~~ *their* license.
- 32 (e) Taking other action in relation to disciplining ~~him or her~~  
 33 *them* as the board in its discretion may deem proper.

34 SEC. 32. Section 2760 of the Business and Professions Code  
 35 is amended to read:

36 2760. (a) If the holder of a license is suspended, ~~he or she~~ *they*  
 37 shall not be entitled to practice nursing during the term of  
 38 suspension.

39 ~~Upon~~

1 (b) Upon expiration of the term of suspension, ~~he or she~~ *they*  
 2 shall be reinstated by the board and shall be entitled to resume ~~his~~  
 3 ~~or her~~ *the* practice of nursing unless it is established to the  
 4 satisfaction of the board that ~~he or she~~ *they* have practiced  
 5 nursing in this state during the term of suspension. In this event,  
 6 the board shall revoke ~~his or her~~ *their* license.

7 SEC. 33. Section 2761 of the Business and Professions Code  
 8 is amended to read:

9 2761. (a) The board may take disciplinary action against a  
 10 certified or licensed nurse or deny an application for a certificate  
 11 or license for any of the following:

12 ~~(a)~~

13 (1) Unprofessional conduct, which includes, but is not limited  
 14 to, the following:

15 ~~(1) Incompetence,~~

16 (2) *Incompetence* or gross negligence in carrying out usual  
 17 certified or licensed nursing functions.

18 ~~(2)~~

19 (A) A conviction of practicing medicine without a license in  
 20 violation of Chapter 5 (commencing with Section 2000), in which  
 21 event the record of conviction shall be conclusive evidence thereof.

22 ~~(3)~~

23 (B) The use of advertising relating to nursing ~~which~~ *that* violates  
 24 Section 17500.

25 ~~(4)~~

26 (C) Denial of licensure, revocation, suspension, restriction, or  
 27 any other disciplinary action against a health care professional  
 28 license or certificate by another state or territory of the United  
 29 States, by any other government agency, or by another California  
 30 health care professional licensing board. A certified copy of the  
 31 decision or judgment shall be conclusive evidence of that action.

32 ~~(b)~~

33 (3) Procuring ~~his or her~~ *their* certificate or license by fraud,  
 34 misrepresentation, or mistake.

35 ~~(e)~~

36 (4) Procuring, or aiding, or abetting, or attempting, or agreeing,  
 37 or offering to procure or assist at a criminal abortion.

38 ~~(d)~~

39 (5) Violating or attempting to violate, directly or indirectly, or  
 40 assisting in or abetting the violating of, or conspiring to violate

1 any provision or term of this chapter or regulations adopted  
2 pursuant to it.

3 ~~(e)~~

4 (6) Making or giving any false statement or information in  
5 connection with the application for issuance of a certificate or  
6 license.

7 ~~(f)~~

8 (7) Conviction of a felony or of any offense substantially related  
9 to the qualifications, functions, and duties of a registered nurse,  
10 in which event the record of the conviction shall be conclusive  
11 evidence thereof.

12 ~~(g)~~

13 (8) Impersonating any applicant or acting as proxy for an  
14 applicant in any examination required under this chapter for the  
15 issuance of a certificate or license.

16 ~~(h)~~

17 (9) Impersonating another certified or licensed practitioner, or  
18 permitting or allowing another person to use ~~his or her~~ *their*  
19 certificate or license for the purpose of nursing the sick or afflicted.

20 ~~(i)~~

21 (10) Aiding or assisting, or agreeing to aid or assist any person  
22 or persons, whether a licensed physician or not, in the performance  
23 of, or arranging for, a violation of any of the provisions of Article  
24 12 (commencing with Section 2220) of Chapter 5.

25 ~~(j)~~

26 (11) Holding oneself out to the public or to any practitioner of  
27 the healing arts as a ~~“nurse practitioner”~~ *nurse practitioner* or as  
28 meeting the standards established by the board for a nurse  
29 practitioner unless meeting the standards established by the board  
30 pursuant to Article 8 (commencing with Section 2834) or holding  
31 oneself out to the public as being certified by the board as a nurse  
32 anesthetist, nurse midwife, clinical nurse specialist, or public health  
33 nurse unless the person is at the time ~~so~~ certified by the board.

34 ~~(k)~~

35 (12) Except for good cause, the knowing failure to protect  
36 patients by failing to follow infection control guidelines of the  
37 board, thereby risking transmission of blood-borne infectious  
38 diseases from licensed or certified nurse to patient, from patient  
39 to patient, and from patient to licensed or certified nurse. In  
40 administering this subdivision, the board shall consider referencing

1 the standards, regulations, and guidelines of the State Department  
 2 of Health Services developed pursuant to Section 1250.11 of the  
 3 Health and Safety Code and the standards, guidelines, and  
 4 regulations pursuant to the California Occupational Safety and  
 5 Health Act of 1973 (Part 1 (commencing with Section 6300),  
 6 Division 5, Labor Code) for preventing the transmission of HIV,  
 7 hepatitis B, and other blood-borne pathogens in health care settings.  
 8 As necessary, the board shall consult with the Medical Board of  
 9 California, the Board of Podiatric Medicine, the Dental Board of  
 10 California, and the Board of Vocational Nursing and Psychiatric  
 11 Technicians, to encourage appropriate consistency in the  
 12 implementation of this subdivision.

13 ~~The~~

14 (b) *The* board shall seek to ensure that licentiates and others  
 15 regulated by the board are informed of the responsibility of  
 16 licentiates to minimize the risk of transmission of blood-borne  
 17 infectious diseases from health care provider to patient, from  
 18 patient to patient, and from patient to health care provider, and of  
 19 the most recent scientifically recognized safeguards for minimizing  
 20 the risks of transmission.

21 SEC. 34. Section 2762 of the Business and Professions Code  
 22 is amended to read:

23 2762. In addition to other acts constituting unprofessional  
 24 conduct within the meaning of this ~~chapter~~ *chapter*, it is  
 25 unprofessional conduct for a person licensed under this chapter to  
 26 do any of the following:

27 (a) Obtain or possess in violation of law, or prescribe, or except  
 28 as directed by a licensed physician and surgeon, dentist, or  
 29 podiatrist administer to ~~himself or herself~~, *themselves*, or furnish  
 30 or administer to another, any controlled substance as defined in  
 31 Division 10 (commencing with Section 11000) of the Health and  
 32 Safety Code or any dangerous drug or dangerous device as defined  
 33 in Section 4022.

34 (b) Use any controlled substance as defined in Division 10  
 35 (commencing with Section 11000) of the Health and Safety Code,  
 36 or any dangerous drug or dangerous device as defined in Section  
 37 4022, or alcoholic beverages, to an extent or in a manner dangerous  
 38 or injurious to ~~himself or herself~~, *themselves*, any other person, or  
 39 the public or to the extent that such use impairs ~~his or her~~ *their*

1 ability to conduct with safety to the public the practice authorized  
2 by ~~his or her~~ *their* license.

3 (c) Be convicted of a criminal offense involving the prescription,  
4 consumption, or self-administration of any of the substances  
5 described in subdivisions (a) and (b) of this section, or the  
6 possession of, or falsification of a record pertaining to, the  
7 substances described in subdivision (a) of this section, in which  
8 event the record of the conviction is conclusive evidence thereof.

9 (d) Be committed or confined by a court of competent  
10 jurisdiction for intemperate use of or addiction to the use of any  
11 of the substances described in subdivisions (a) and (b) of this  
12 section, in which event the court order of commitment or  
13 confinement is prima facie evidence of such commitment or  
14 confinement.

15 (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
16 unintelligible entries in any hospital, patient, or other record  
17 pertaining to the substances described in subdivision (a) of this  
18 section.

19 SEC. 35. Section 2765 of the Business and Professions Code  
20 is amended to read:

21 2765. A plea or verdict of guilty or a conviction following a  
22 plea of nolo contendere made to a charge substantially related to  
23 the qualifications, functions and duties of a registered nurse is  
24 deemed to be a conviction within the meaning of this article. The  
25 board may order the license or certificate suspended or revoked,  
26 or may decline to issue a license or certificate, when the time for  
27 appeal has elapsed, or the judgment of conviction has been affirmed  
28 on appeal or when an order granting probation is made suspending  
29 the imposition of sentence, irrespective of a subsequent order under  
30 the provisions of Section 1203.4 of the Penal Code allowing ~~such~~  
31 *the* person to withdraw ~~his or her~~ *a* plea of guilty and to enter a  
32 plea of not guilty, or setting aside the verdict of guilty, or  
33 dismissing the accusation, information or indictment.

34 SEC. 36. Section 2770.11 of the Business and Professions  
35 Code is amended to read:

36 2770.11. (a) Each registered nurse who requests participation  
37 in an intervention program shall agree to cooperate with the  
38 rehabilitation program designed by the committee and approved  
39 by the program manager. Any failure to comply with a  
40 rehabilitation program may result in termination of the registered

1 nurse's participation in a program. The name and license number  
2 of a registered nurse who is terminated for any reason, other than  
3 successful completion, shall be reported to the board's enforcement  
4 program.

5 (b) If the program manager determines that a registered nurse,  
6 who is denied admission into the program or terminated from the  
7 program, presents a threat to the public or ~~his or her~~ *their* own  
8 health and safety, the program manager shall report the name and  
9 license number, along with a copy of all intervention program  
10 records for that registered nurse, to the board's enforcement  
11 program. The board may use any of the records it receives under  
12 this subdivision in any disciplinary proceeding.

13 SEC. 37. Section 2770.7 of the Business and Professions Code  
14 is amended to read:

15 2770.7. (a) The board shall establish criteria for the acceptance,  
16 denial, or termination of registered nurses in the intervention  
17 program. Only those registered nurses who have voluntarily  
18 requested to participate in the intervention program shall participate  
19 in the program.

20 (b) A registered nurse under current investigation by the board  
21 may request entry into the intervention program by contacting the  
22 board. ~~Prior to~~ *Before* authorizing a registered nurse to enter into  
23 the intervention program, the board may require the registered  
24 nurse under current investigation for any violations of this chapter  
25 or any other provision of this code to execute a statement of  
26 understanding that states that the registered nurse understands that  
27 ~~his or her~~ *any* violations that would otherwise be the basis for  
28 discipline may still be investigated and may be the subject of  
29 disciplinary action in accordance with this section.

30 (c) (1) Neither acceptance nor participation in the intervention  
31 program shall preclude the board from investigating or continuing  
32 to investigate, or, except as provided in this subdivision, taking  
33 disciplinary action or continuing to take disciplinary action against,  
34 any registered nurse for any unprofessional conduct committed  
35 before, during, or after participation in the intervention program.

36 (2) The board may investigate at its discretion complaints against  
37 registered nurses participating in the intervention program.

38 (3) Disciplinary action with regard to acts committed before or  
39 during participation in the intervention program shall not take

1 place unless the registered nurse withdraws or is terminated from  
2 the program.

3 (d) All registered nurses shall sign an agreement of  
4 understanding that the withdrawal or termination from the  
5 intervention program at a time when the program manager or  
6 intervention evaluation committee determines the licentiate presents  
7 a threat to the public's health and safety shall result in the  
8 utilization by the board of intervention program treatment records  
9 in disciplinary or criminal proceedings.

10 (e) Any registered nurse terminated from the intervention  
11 program for failure to comply with program requirements is subject  
12 to disciplinary action by the board for acts committed before,  
13 during, and after participation in the intervention program. A  
14 registered nurse who has been under investigation by the board  
15 and has been terminated from the intervention program by an  
16 intervention evaluation committee shall be reported by the  
17 intervention evaluation committee to the board.

18 SEC. 38. Section 2780 of the Business and Professions Code  
19 is amended to read:

20 2780. The income of a nursing corporation attributable to  
21 professional services rendered while a shareholder is a disqualified  
22 person, as defined in Section 13401 of the Corporations Code,  
23 shall not in any manner accrue to the benefit of ~~such the~~  
24 shareholder or ~~his or her~~ *their* shares in the nursing corporation.

25 SEC. 39. Section 2785.6 of the Business and Professions Code  
26 is amended to read:

27 2785.6. There is created within the jurisdiction of the board a  
28 Nursing Education and Workforce Advisory Committee, which  
29 shall solicit input from approved nursing programs and members  
30 of the nursing and health care professions to study and recommend  
31 nursing education standards and solutions to workforce issues to  
32 the board.

33 (a) The committee shall be comprised of the following:

34 (1) One nursing program director representative of a statewide  
35 association for associate's degrees in nursing programs.

36 (2) One nursing program director representative of a statewide  
37 association representing bachelor's degrees in nursing programs.

38 (3) One California Community Colleges Chancellor's Office  
39 representative.

- 1 (4) One California State University Office of the Chancellor  
2 representative.
- 3 (5) One currently practicing registered nurse representative.
- 4 (6) Two currently practicing advanced practice registered nurse  
5 representatives.
- 6 (7) Two registered nurse employer representatives in nursing  
7 service administration.
- 8 (8) One professional nursing organization representative.
- 9 (9) Three nursing union organization representatives.
- 10 (10) One public representative.
- 11 (11) One Health Workforce Development Division  
12 representative.
- 13 (12) One board research vendor.
- 14 (13) Any other members representing an organization in the  
15 nursing education or workforce field that the board determines is  
16 necessary for the work of the committee and is not listed under  
17 this subdivision.
- 18 (b) (1) Except as provided in paragraph (2), all appointments  
19 shall be for a term of four years and vacancies shall be filled for  
20 the unexpired term. No person shall serve more than two  
21 consecutive terms except for the representatives from organizations.
- 22 (2) (A) The initial appointments for the education  
23 representatives shall be for the following terms:
- 24 (i) One Nursing Program Director who is a member of a  
25 statewide association for associate's degrees in nursing programs  
26 shall serve three years.
- 27 (ii) One nursing program director who is a member of a  
28 statewide association representing bachelor's degrees in nursing  
29 programs shall serve a term of two years.
- 30 (iii) One California Community Colleges Chancellor's Office  
31 representative shall serve a term of four years.
- 32 (iv) *One representative from the California State University*  
33 *Office of the Chancellor shall serve a term of four years.*
- 34 (B) The initial appointments for the workforce representatives  
35 shall be for the following terms:
- 36 (i) One practicing registered nurse representative shall serve a  
37 term of four years.
- 38 (ii) One of the two practicing advanced practice registered nurse  
39 representatives shall serve a term of three years and the other shall  
40 serve a term of two years.



1 (C) The initial appointments for the employer representatives  
2 shall be for the following terms:

3 (i) One of the two registered nurse employer representatives  
4 shall serve a term of three years and the other shall serve a term  
5 of four years.

6 (ii) One professional nursing organization representative shall  
7 serve a term of two years.

8 (D) The public member shall serve a term of four years.

9 (c) The committee shall meet a minimum of two times per year  
10 and shall appoint officers annually.

11 (d) (1) The committee shall dedicate a minimum of one meeting  
12 each towards nursing education issues and nursing workforce  
13 issues.

14 (2) The committee may establish subcommittees to study issues  
15 specific to education, workforce, or any other topic relevant to the  
16 purpose of the committee.

17 (e) The committee may refer information and recommendations  
18 to the board or other committees of the board.

19 (f) (1) The board may implement, interpret, or make specific  
20 this section by means of a charter, or other similar document,  
21 approved by the board.

22 (2) The board may revise the charter, or other similar document,  
23 developed pursuant to this section, as necessary. The development  
24 or revision of the charter, or other similar document, shall be  
25 exempt from the requirements of the Administrative Procedure  
26 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
27 Title 2 of the Government Code).

28 (g) The committee shall study and recommend standards for  
29 simulated clinical experiences based on the best practices published  
30 by the International Nursing Association for Clinical Simulation  
31 and Learning, the National Council of State Boards of Nursing,  
32 the Society for Simulation in Healthcare, or equivalent standards.

33 SEC. 40. Section 2800 of the Business and Professions Code  
34 is amended to read:

35 2800. None of the sections in this article, except Sections 2796  
36 and 2797, shall be applicable to any person or persons specifically  
37 exempted from the general provisions of this act by Section 2731  
38 hereof, or to schools conducted by any ~~well-recognized~~  
39 *well-recognized* church or denomination for the purpose of training  
40 the adherents of ~~such~~ *the* church or denomination in the care of

1 the sick in accordance with its religious ~~tenets; and any~~ *tenets*. An  
2 adherent of any ~~well-recognized~~ *well-recognized* church or  
3 denomination who engages in nursing or the care of the sick in  
4 connection with the practice of the religious tenets of ~~such well~~  
5 ~~recognized~~ *the well-recognized* church or denomination may use  
6 the word “nurse” in connection with or following ~~his or her~~ *their*  
7 name, provided ~~he or she~~ *they* shall not use the title “registered  
8 nurse,” the letters “R.N.,” the words “graduate nurse,” “trained  
9 nurse,” “nurse anesthetist,” or any other name, word or symbol in  
10 connection with or following ~~his or her~~ *their* name so as to lead  
11 another or others to believe that ~~he or she is~~ *they are* a professional  
12 nurse licensed under the provisions of this chapter.

13 SEC. 41. Section 2811 of the Business and Professions Code  
14 is amended to read:

15 2811. (a) Each person holding a regular renewable license  
16 under this chapter, whether in an active or inactive status, shall  
17 apply for a renewal of ~~his or her~~ *their* license and pay the biennial  
18 renewal fee required by this chapter ~~each~~ *every* two years on or  
19 before the last day of the month following the month in which ~~his~~  
20 ~~or her~~ *their* birthday occurs, beginning with the second birthday  
21 following the date on which the license was issued, whereupon  
22 the board shall renew the license.

23 (b) ~~Each such~~ A license not renewed in accordance with this  
24 section shall expire but may within a period of eight years  
25 thereafter be reinstated upon payment of the fee required by this  
26 chapter and upon submission of ~~such~~ proof of the applicant’s  
27 qualifications as may be required by the board, ~~except that during~~  
28 ~~such~~ *board. During the eight-year period period*, no examination  
29 shall be required as a condition for the reinstatement of ~~any such~~  
30 ~~an~~ *expired license which that* has lapsed solely by reason of  
31 nonpayment of the renewal fee. After the expiration of ~~such the~~  
32 ~~eight-year period period~~, the board may require as a condition of  
33 reinstatement that the applicant pass ~~such an~~ examination ~~as it the~~  
34 ~~board~~ *deems necessary to determine his their* present fitness to  
35 resume the practice of professional nursing.

36 (c) A license in an inactive status may be restored to an active  
37 status if the licensee meets the continuing education standards of  
38 Section 2811.5.

39 SEC. 42. Section 2816 of the Business and Professions Code  
40 is amended to read:

1 2816. The nonrefundable fee to be paid by a registered nurse  
2 for an evaluation of ~~his or her~~ *their* qualifications to use the title  
3 “public health nurse” shall not be less than three hundred dollars  
4 (\$300) or more than one thousand dollars (\$1,000). The fee to be  
5 paid upon the application for renewal of the certificate to practice  
6 as a public health nurse shall not be less than one hundred  
7 twenty-five dollars (\$125) and not more than five hundred dollars  
8 (\$500). The penalty fee for failure to renew a certificate to practice  
9 as a public health nurse within the prescribed time shall be 50  
10 percent of the renewal fee in effect on the date of renewal of the  
11 certificate, but not less than sixty-two dollars and fifty cents  
12 (\$62.50), and not more than two hundred fifty dollars (\$250). All  
13 fees payable under this section shall be collected by and paid to  
14 the Board of Registered Nursing Fund. It is the intention of the  
15 Legislature that the costs of carrying out the purposes of this article  
16 shall be covered by the revenue collected pursuant to this section.  
17 The board shall refund any registered nurse who paid more than  
18 three hundred dollars (\$300) for an evaluation of ~~his or her~~ *their*  
19 qualifications to use the title “public health nurse” between April  
20 5, 2018, and December 31, 2018.

21 SEC. 43. Section 2826 of the Business and Professions Code  
22 is amended to read:

23 2826. As used in this article:

24 (a) “Nurse anesthetist” means a person who is a registered ~~nurse,~~  
25 *nurse* licensed by the board ~~and~~ who has met standards for  
26 certification from the board. In the certification and recertification  
27 ~~process~~ *process*, the board shall consider the standards of the  
28 ~~Council on Certification of Nurse Anesthetists and the Council on~~  
29 ~~Recertification of Nurse Anesthetists~~ *National Board of*  
30 *Certification and Recertification for Nurse Anesthetists, or a*  
31 *successor national professional organization approved by the*  
32 *board*, and may develop new standards if there is a public safety  
33 need for standards more stringent than the councils’ standards. In  
34 determining the adequacy for public safety of the councils’  
35 standards or in developing board standards, the board shall comply  
36 with the provisions of Chapter 3.5 (commencing with Section  
37 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

38 (b) “Accredited Program” means a program for the education  
39 of nurse anesthetists ~~which~~ *that* has received approval from the  
40 board. In the approval ~~process~~ *process*, the board shall consider

1 the standards of the Council on Accreditation of Nurse Anesthesia  
2 Education Programs and Schools and may develop new standards  
3 if the councils' standards are determined to be inadequate for public  
4 safety. In determining the adequacy for public safety of the  
5 councils' standards or in developing board standards, the board  
6 shall comply with the provisions of Chapter 3.5 (commencing with  
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
8 Code.

9 (c) "Appropriate committee" means the committee responsible  
10 for anesthesia practice ~~which~~ *that* is responsible to the executive  
11 committee of the medical staff.

12 (d) "Trainee" means a registered nurse enrolled in an accredited  
13 program of nurse anesthesia.

14 (e) "Graduate" means a nurse anesthetist who is a graduate of  
15 an accredited program of nurse anesthesia awaiting initial  
16 certification results for not more than one year from the date of  
17 graduation.

18 SEC. 44. Section 2828 of the Business and Professions Code  
19 is amended to read:

20 2828. In an acute care facility, a nurse anesthetist who is not  
21 an employee of the facility shall, nonetheless, be subject to the  
22 bylaws of the facility and may be required by the facility to provide  
23 proof of current professional liability insurance coverage.  
24 Notwithstanding any other provision of law, a nurse anesthetist  
25 shall be responsible for ~~his or her~~ *their* own professional conduct  
26 and may be held liable for those professional acts.

27 SEC. 45. Section 2830.6 of the Business and Professions Code  
28 is amended to read:

29 2830.6. Notwithstanding Section 2830, the board shall certify  
30 all applicants who can show certification by the ~~Council on~~  
31 ~~Certification of Nurse Anesthetists or the Council on~~  
32 ~~Recertification of Nurse Anesthetists as of the effective date of~~  
33 ~~this chapter.~~ *National Board of Certification and Recertification*  
34 *for Nurse Anesthetists or a successor national professional*  
35 *organization approved by the board.* This certification shall be  
36 documented to the board in a manner to be determined by the  
37 board. Proof of certification shall be filed with the board within  
38 six months from the effective date of this article and the board  
39 shall, within one year from the effective date of this article, issue

1 a certificate to applicants who have filed proof of certification  
2 within that six-month period.

3 SEC. 46. Section 2833 of the Business and Professions Code  
4 is amended to read:

5 2833. (a) Each certificate issued pursuant to this article shall  
6 be renewable biennially, and each person holding a certificate  
7 under this article shall apply for a renewal of ~~his or her~~ *their*  
8 certificate and pay the biennial renewal fee required by Section  
9 2830.7 every two years on or before the last day of the month  
10 following the month in which ~~his or her~~ *their* birthday occurs,  
11 beginning with the second birthday following the date on which  
12 the certificate was issued, whereupon the board shall renew the  
13 certificate.

14 ~~Each~~

15 (b) ~~Each~~ certificate not renewed in accordance with this section  
16 shall expire but may within a period of eight years thereafter be  
17 reinstated upon payment of the biennial renewal fee and penalty  
18 fee required by Section 2830.7 and upon submission of ~~such~~ proof  
19 of the applicant's qualifications as may be required by the ~~board,~~  
20 ~~except that during that board.~~ *During the eight-year period,*  
21 no examination shall be required as a condition for the  
22 reinstatement of any expired certificate ~~which that~~ has lapsed solely  
23 by reason of nonpayment of the renewable fee. After the expiration  
24 of the eight-year period the board may ~~require~~ *require*, as a  
25 condition of ~~reinstatement~~ *reinstatement*, that the applicant pass  
26 an examination as it deems necessary to determine ~~his or her~~ *their*  
27 present fitness to resume the practice of nurse anesthesia.

28 SEC. 47. Section 2836 of the Business and Professions Code  
29 is amended to read:

30 2836. (a) The board shall establish categories of nurse  
31 practitioners and standards for nurses to hold themselves out as  
32 nurse practitioners in each category. ~~Such~~ *The* standards shall take  
33 into account the types of advanced levels of nursing practice ~~which~~  
34 ~~that~~ are or may be performed and the clinical and didactic  
35 ~~education,~~ *education, as outlined in the nurse practitioner*  
36 *curriculum core competencies specified in the National*  
37 *Organization of Nurse Practitioner Faculties' Nurse Practitioner*  
38 *Role Core Competencies (2022), or a successor approved by the*  
39 *board, experience, or* ~~both both~~, needed to practice safely at those  
40 levels. In setting ~~such~~ *the* standards, the board shall consult with

1 nurse practitioners, physicians and surgeons with expertise in the  
2 nurse practitioner field, and health care organizations ~~utilizing~~  
3 *using* nurse practitioners. Established standards shall apply to  
4 persons without regard to the date of meeting ~~such~~ *the* standards.  
5 If the board sets standards for use of nurse practitioner titles ~~which~~  
6 *that* include completion of an academically affiliated program, it  
7 shall provide equivalent standards for registered nurses who have  
8 not completed ~~such~~ *a* *the* program.

9 (b) Any regulations promulgated by a state department that  
10 affect the scope of practice of a nurse practitioner shall be  
11 developed in consultation with the board.

12 SEC. 48. Section 2838.1 of the Business and Professions Code  
13 is amended to read:

14 2838.1. (a) On and after July 1, 1998, any registered nurse  
15 who holds ~~himself or herself~~ *themselves* out as a clinical nurse  
16 specialist or who desires to hold ~~himself or herself~~ *themselves* out  
17 as a clinical nurse specialist shall, within the time prescribed by  
18 the board and ~~prior to his or her~~ *before their* next license renewal  
19 or the issuance of an initial license, submit ~~his or her~~ *their*  
20 education, experience, and other credentials, and any other  
21 information ~~as~~ required by the board to determine that the person  
22 qualifies to use the title “clinical nurse specialist.”

23 (b) Upon finding that a person is qualified to hold ~~himself or~~  
24 ~~herself~~ *themselves* out as a clinical nurse specialist, the board shall  
25 appropriately indicate on the license issued or renewed that the  
26 person is qualified to use the title “clinical nurse specialist.” The  
27 board shall also issue to each qualified person a certificate  
28 indicating that the person is qualified to use the title “clinical nurse  
29 specialist.”

30 SEC. 49. Section 2838.2 of the Business and Professions Code  
31 is amended to read:

32 2838.2. (a) A clinical nurse specialist is a registered nurse with  
33 advanced education, who participates in expert clinical practice,  
34 education, research, consultation, and clinical leadership as the  
35 major components of ~~his or her~~ *their* role.

36 (b) The board may establish categories of clinical nurse  
37 specialists and the standards required to be met for nurses to hold  
38 themselves out as clinical nurse specialists in each category. The  
39 standards shall take into account the types of advanced levels of  
40 nursing practice that are or may be performed and the clinical and

1 didactic education, experience, or both needed to practice safety  
2 at those levels. In setting the standards, the board shall consult  
3 with clinical nurse specialists, physicians and surgeons appointed  
4 by the Medical Board of California with expertise with clinical  
5 nurse specialists, and health care organizations that ~~utilize~~ *use*  
6 clinical nurse specialists.

7 (c) A registered nurse who meets one of the following  
8 requirements may apply to become a clinical nurse specialist:

9 (1) Possession of a master's degree in a clinical field of nursing.

10 (2) Possession of a master's degree in a clinical field related to  
11 nursing with coursework in the components referred to in  
12 subdivision (a).

13 (3) On or before July 1, 1998, meets the following requirements:

14 (A) Current licensure as a registered nurse.

15 (B) Performs the role of a clinical nurse specialist as described  
16 in subdivision (a).

17 (C) Meets any other criteria established by the board.

18 (d) (1) A nonrefundable fee of not less than five hundred dollars  
19 (\$500), but not to exceed one thousand five hundred dollars  
20 (\$1,500) shall be paid by a registered nurse applying to be a clinical  
21 nurse specialist for the evaluation of ~~his or her~~ *their* qualifications  
22 to use the title "clinical nurse specialist."

23 (2) The fee to be paid for a temporary certificate to practice as  
24 a clinical nurse specialist shall be not less than thirty dollars (\$30)  
25 nor more than fifty dollars (\$50).

26 (3) A biennial renewal fee shall be paid upon submission of an  
27 application to renew the clinical nurse specialist certificate and  
28 shall be established by the board at no less than one hundred fifty  
29 dollars (\$150) and no more than one thousand dollars (\$1,000).

30 (4) The penalty fee for failure to renew a certificate within the  
31 prescribed time shall be 50 percent of the renewal fee in effect on  
32 the date of the renewal of the license, but not less than seventy-five  
33 dollars (\$75) nor more than five hundred dollars (\$500).

34 (5) The fees authorized by this subdivision shall not exceed the  
35 amount necessary to cover the costs to the board to administer this  
36 section.

37 SEC. 50. Section 2915.4 of the Business and Professions Code  
38 is amended to read:

39 2915.4. (a) Effective January 1, 2020, an applicant for licensure  
40 as a psychologist shall show, as part of the application, that ~~he or~~

1 ~~she has~~ *they have* completed a minimum of six hours of coursework  
2 or applied experience under supervision in suicide risk assessment  
3 and intervention. This requirement shall be met in one of the  
4 following ways:

5 (1) Obtained as part of ~~his or her~~ *the applicant's* qualifying  
6 graduate degree program. To satisfy this requirement, the applicant  
7 shall submit to the board a *transcript indicating completion of this*  
8 *coursework. In the absence of this coursework title in the*  
9 *transcript, the applicant shall submit a* written certification from  
10 ~~the registrar~~ *registrar, department chair,* or training director of  
11 the educational institution or program from which the applicant  
12 graduated stating that the coursework required by this section is  
13 included within the institution's curriculum required for graduation  
14 at the time the applicant graduated, or within the coursework that  
15 was completed by the applicant.

16 (2) Obtained as part of ~~his or her~~ *the applicant's* applied  
17 experience. Applied experience can be met in any of the following  
18 settings: practicum, internship, or formal postdoctoral placement  
19 that meets the requirement of Section 2911, or other qualifying  
20 supervised professional experience. To satisfy this requirement,  
21 the applicant shall submit to the board a written certification from  
22 the director of training for the program or primary supervisor where  
23 the qualifying experience has occurred stating that the training  
24 required by this section is included within the applied experience.

25 (3) By taking a continuing education course that meets the  
26 requirements of subdivision (e) or (f) of Section 2915 and that  
27 qualifies as a continuing education learning activity category  
28 specified in paragraph (2) or (3) of subdivision (c) of Section 2915.  
29 To satisfy this requirement, the applicant shall submit to the board  
30 a certification of completion.

31 (b) Effective January 1, 2020, as a one-time requirement, a  
32 licensee prior to the time of ~~his or her~~ *their* first renewal after the  
33 operative date of this section, or an applicant for reactivation or  
34 reinstatement to an active license status, shall have completed a  
35 minimum of six hours of coursework or applied experience under  
36 supervision in suicide risk assessment and intervention, as specified  
37 in subdivision (a). Proof of compliance with this section shall be  
38 certified under penalty of perjury that ~~he or she is~~ *they are* in  
39 compliance with this section and shall be retained for submission  
40 to the board upon request.



1 SEC. 51. Section 2915.5 of the Business and Professions Code  
2 is amended to read:

3 2915.5. (a) Any applicant for licensure as a psychologist as a  
4 condition of licensure, a minimum of six contact hours of  
5 coursework or applied experience in aging and long-term care,  
6 which may include, but need not be limited to, the biological,  
7 social, and psychological aspects of aging. This coursework shall  
8 include instruction on the assessment and reporting of, as well as  
9 treatment related to, elder and dependent adult abuse and neglect.

10 (b) In order to satisfy the coursework requirement of this section,  
11 the applicant shall submit to the board a *transcript indicating*  
12 *completion of this coursework. In the absence of this coursework*  
13 *title in the transcript, the applicant shall submit a written*  
14 *certification from the ~~registrar~~ registrar, department chair, or*  
15 *training director of the educational institution or program from*  
16 *which the applicant graduated stating that the coursework required*  
17 *by this section is included within the institution's required*  
18 *curriculum for graduation at the time the applicant graduated, or*  
19 *within the coursework, that was completed by the applicant.*

20 (c) (1) If an applicant does not have coursework pursuant to  
21 this section, the applicant may obtain evidence of compliance as  
22 part of their applied experience in a practicum, internship, or formal  
23 postdoctoral placement that meets the requirement of Section 2911,  
24 or other qualifying supervised professional experience.

25 (2) To satisfy the applied experience requirement of this section,  
26 the applicant shall submit to the board a written certification from  
27 the director of training for the program or primary supervisor where  
28 the qualifying experience occurred stating that the training required  
29 by this section is included within the applied experience.

30 (d) If an applicant does not meet the curriculum or coursework  
31 requirement pursuant to this section, the applicant may obtain  
32 evidence of compliance by taking a continuing education course  
33 that meets the requirements of subdivision (d) or (e) of Section  
34 2915 and that qualifies as a learning activity category specified in  
35 paragraph (2) or (3) of subdivision (c) of Section 2915. To satisfy  
36 this requirement, the applicant shall submit to the board a  
37 certification of completion.

38 (e) A written certification made or submitted pursuant to this  
39 section shall be done under penalty of perjury.

1 SEC. 52. Section 4846 of the Business and Professions Code  
2 is amended to read:

3 4846. (a) In order to obtain a license to practice veterinary  
4 medicine in California, an individual shall meet the following  
5 requirements:

6 (1) Graduate from a veterinary college recognized by the board  
7 or receive a certificate from the Educational Commission for  
8 Foreign Veterinary Graduates (ECFVG) or the Program for the  
9 Assessment of Veterinary Education Equivalence (PAVE). Proof  
10 of graduation must be directly submitted to the board by the  
11 veterinary college or from the American Association of Veterinary  
12 State Boards (AAVSB). Proof of certificate must be directly  
13 submitted to the board by ECFVG or PAVE.

14 (2) Complete a board-approved license application.

15 (3) Pay the applicable fees specified in Section 4905.

16 (4) As directed by the board pursuant to Section 144, submit a  
17 full set of fingerprints for the purpose of conducting a criminal  
18 history record check and undergo a state and federal criminal  
19 offender record information search conducted through the  
20 Department of Justice, pursuant to subdivision (u) of Section 11105  
21 of the Penal Code. The Department of Justice shall provide a state  
22 or federal response to the board pursuant to paragraph (1) of  
23 subdivision (p) of Section 11105 of the Penal Code.

24 (5) Pass an examination consisting of the following:

25 (A) A licensing examination that is administered on a national  
26 basis. If the applicant passed the national licensing examination  
27 over five years from the date of submitting the California  
28 Veterinarian license application, the applicant shall satisfy one of  
29 the following:

30 (i) Retake and pass the national licensing examination.

31 (ii) Submit proof of having practiced clinical veterinary medicine  
32 for a minimum of two years and completed a minimum of 2,500  
33 hours of clinical practice in another state, Canadian province, or  
34 United States territory within the three years immediately preceding  
35 filing an application for licensure in this state.

36 (iii) Complete the minimum continuing education requirements  
37 of Section 4846.5 for the current and preceding year.

38 (B) A veterinary law examination administered by the board  
39 concerning the Veterinary Medicine Practice Act statutes and  
40 regulations. The examination may be administered by regular mail,

1 email, or by other electronic means. The applicant shall certify  
2 that the applicant personally completed the examination. Any false  
3 statement is a violation subject to Section 4831. Every applicant  
4 who obtains a score of at least 80% on the veterinary law  
5 examination shall be deemed to have passed. University of  
6 California and Western University of Health Sciences veterinary  
7 medical students who have successfully completed a  
8 board-approved course on veterinary law and ethics covering the  
9 Veterinary Medicine Practice Act shall be exempt from this  
10 subparagraph.

11 (b) The applicant shall disclose each state, Canadian province,  
12 or United States territory in which the applicant currently holds  
13 or has ever held a license to practice veterinary medicine. License  
14 verification, including any disciplinary or enforcement history,  
15 ~~must be directly submitted to the board~~ *shall be confirmed through*  
16 *electronic means or direct submission* from each state, Canadian  
17 province, or United States ~~territory~~. *territory in which the applicant*  
18 *has identified the applicant holds or has ever held a license to*  
19 *practice veterinary medicine.*

20 (c) A veterinarian license application shall be subject to denial  
21 pursuant to Sections 480, 4875, and 4883.

22 SEC. 53. Section 4861 of the Business and Professions Code  
23 is amended to read:

24 4861. (a) One or more wellness evaluation committees is  
25 hereby authorized to be established by the board. Each wellness  
26 evaluation committee shall be composed of five persons appointed  
27 by the board. *The board, in making its appointments, shall give*  
28 *consideration to recommendations of state and local associations*  
29 *and shall consider, among others, where appropriate, the*  
30 *appointment of individuals who have recovered from impairment*  
31 *or who have knowledge and expertise in the management of*  
32 *impairment.*

33 (b) Each wellness evaluation committee shall have the following  
34 composition:

35 ~~(1) Three veterinarians licensed under this chapter. The board~~  
36 ~~in making its appointments shall give consideration to~~  
37 ~~recommendations of veterinary associations and local veterinary~~  
38 ~~societies and shall consider, among others, where appropriate, the~~  
39 ~~appointment of veterinarians who have recovered from impairment~~

1 ~~or who have knowledge and expertise in the management of~~  
2 ~~impairment.~~

3 ~~(2) Two public members.~~

4 ~~(1) At least one veterinarian licensed under this chapter.~~

5 ~~(2) At least two public members.~~

6 ~~(3) At least one registered veterinary technician registered~~  
7 ~~under this chapter.~~

8 (c) Each person appointed to a wellness evaluation committee  
9 shall have experience or knowledge in the evaluation or  
10 management of persons who are impaired due to alcohol or drug  
11 abuse.

12 (d) It shall require the majority vote of the board to appoint a  
13 person to a wellness evaluation committee. Each appointment shall  
14 be at the pleasure of the board for a term not to exceed four years.  
15 In its discretion the board may stagger the terms of the initial  
16 members appointed.

17 (e) The board president may suspend any wellness evaluation  
18 committee member pending an investigation into allegations of  
19 existing alcohol or drug addiction. If, after investigation, there is  
20 evidence of an alcohol or drug addiction relapse, the board  
21 president shall have authorized discretion to remove the member  
22 without input from the board.

23 (f) The board may appoint a program director and other  
24 personnel as necessary to carry out this article.

25 SEC. 54. Section 4875.3 of the Business and Professions Code  
26 is amended to read:

27 4875.3. ~~(a)~~ If the board determines, as a result of its inspection  
28 of the premises pursuant to Section 4809.5, or any other place  
29 where veterinary medicine, veterinary dentistry, veterinary surgery,  
30 or the various branches thereof is practiced, or that is otherwise in  
31 the possession of a veterinarian for purpose of that practice, that  
32 it is not in compliance with the standards established by the board,  
33 the board shall provide a notice of any deficiencies and provide a  
34 reasonable time for compliance with those standards prior to  
35 commencing any further action pursuant to this article. The board  
36 may issue an interim suspension order pursuant to Section 494 in  
37 those cases where the violations represent an immediate threat to  
38 the public and animal health and safety.

39 ~~(b) A veterinarian who reviews and investigates an alleged~~  
40 ~~violation pursuant to Section 4875.2 shall be licensed in or~~

1 ~~employed by the state either full time or part time and shall not~~  
2 ~~have been out of practice for more than four years.~~

3 SEC. 55. Section 4989.14 of the Business and Professions  
4 Code is amended to read:

5 4989.14. (a) The practice of educational psychology is the  
6 performance of any of the following professional functions  
7 pertaining to academic learning processes or the educational system  
8 or both:

9 (1) Educational evaluation.

10 (2) Diagnosis of psychological disorders related to academic  
11 learning processes.

12 (3) Administration of diagnostic tests related to academic  
13 learning processes including tests of academic ability, learning  
14 patterns, achievement, motivation, and personality factors.

15 (4) Interpretation of diagnostic tests related to academic learning  
16 processes including tests of academic ability, learning patterns,  
17 achievement, motivation, and personality factors.

18 (5) Providing psychological counseling for individuals, groups,  
19 and families.

20 (6) Consultation with other educators and parents on issues of  
21 social development and behavioral and academic difficulties.

22 (7) Conducting psychoeducational assessments for the purposes  
23 of identifying special needs.

24 (8) Developing treatment programs and strategies to address  
25 problems of adjustment.

26 (9) Coordinating intervention strategies for management of  
27 individual crises.

28 (b) For purposes of supervising an associate marriage and family  
29 therapist *or a marriage and family therapist trainee* pursuant to  
30 Section 4980.03, an associate clinical social worker pursuant to  
31 Section 4996.20, or an associate professional clinical counselor  
32 pursuant to Section 4999.12, “educationally related mental health  
33 services” are mental health services provided to clients who have  
34 social, emotional, or behavioral issues that interfere with their  
35 educational progress. These services include all of the following:

36 (1) Educationally related counseling services to clients qualified  
37 for special education that are necessary to receive a free appropriate  
38 public education in the least restrictive environment pursuant to  
39 the federal requirements of Section 1412 of Title 20 of the United  
40 States Code.

1 (2) Intensive counseling services on a continuum—~~which~~ *that*  
2 may reflect an increase in frequency, duration, or staff  
3 specialization to address the client’s emotional and behavioral  
4 needs.

5 (3) Counseling services provided by qualified practitioners.

6 (4) Parent counseling and training.

7 (5) Psychological services that include consulting with staff  
8 members in planning school programs to meet the client’s  
9 educational needs and assisting in developing positive behavioral  
10 intervention strategies for the client.

11 (6) Social work services such as preparing a social or  
12 developmental history on a client with a disability.

13 (7) Group and individualized counseling with the client and  
14 family.

15 (8) Mobilizing school and community resources to enable the  
16 client to learn as effectively as possible in their educational  
17 program, as outlined in Section 300.34 of Title 34 of the Code of  
18 Federal Regulations.

19 SEC. 56. Section 4990.11 is added to the Business and  
20 Professions Code, to read:

21 4990.11. For purposes of license and registration verification,  
22 a person may rely upon the licensing and registration information  
23 as it is displayed on the board’s internet website that includes the  
24 issuance and expiration dates of any license or registration issued  
25 by the board.

26 SEC. 57. Section 5017.1 of the Business and Professions Code  
27 is amended to read:

28 5017.1. The board shall post, within 10 days of board approval,  
29 the finalized minutes from meetings of the board that are open and  
30 public pursuant to Section 5017 on the board’s ~~Internet Web site.~~  
31 *internet website*. The minutes shall remain on the board’s ~~Internet~~  
32 ~~Web site~~ *internet website* for at least three years. Providing a link  
33 on the ~~Internet Web site~~ *internet website* to the minutes shall satisfy  
34 this requirement.

35 SEC. 58. Section 5017.5 of the Business and Professions Code  
36 is amended to read:

37 5017.5. (a) The board shall provide a live audio or video  
38 broadcast, on its ~~Internet Web site,~~ *internet website*, of each of its  
39 board meetings that are open and public.

1 (b) (1) If technical failure prevents the board from providing a  
2 live broadcast as specified in subdivision (a), that failure shall not  
3 constitute a violation of this section if the board exercised  
4 reasonable diligence in providing a live broadcast.

5 (2) Failure to provide a live broadcast of its board meetings due  
6 to technical failure shall not prohibit the board from meeting and  
7 taking actions.

8 (c) The recording of the live audio or video broadcast shall  
9 remain on the ~~Internet Web site~~ *internet website* for at least three  
10 years. Providing a link on the ~~Internet Web site~~ *internet website*  
11 to the recording of the live audio or video broadcast shall satisfy  
12 this requirement.

13 SEC. 59. Section 5022 of the Business and Professions Code  
14 is amended to read:

15 5022. The qualifications committee shall make  
16 recommendations and forward its report to the board for action on  
17 any matter on which it is authorized to act. An applicant for  
18 registration as a certified public accountant who is aggrieved by  
19 any action taken by the committee with respect to ~~his or her~~ *their*  
20 qualifications may appeal to the board in accordance with rules or  
21 regulations prescribed by the board. The board on the appeal may  
22 give an oral or written examination as an aid in determining  
23 whether the applicant is qualified under the terms of this chapter.

24 SEC. 60. Section 5028 of the Business and Professions Code  
25 is amended to read:

26 5028. The board may, in accordance with the intent of this  
27 article, make exceptions from continuing education requirements  
28 for licensees not engaged in public practice, or for reasons of  
29 health, military service, or other good ~~cause; provided, however,~~  
30 ~~that if~~ *cause. If* the licensee returns to the practice of public  
31 ~~accounting he or she~~ *accounting, they* shall meet ~~such~~ continuing  
32 education requirements as the board may determine.

33 SEC. 61. Section 5029 of the Business and Professions Code  
34 is repealed.

35 ~~5029. The board may establish an advisory continuing~~  
36 ~~education committee of nine members, six of whom shall be~~  
37 ~~certified public accountants, two of whom shall be board members,~~  
38 ~~one of whom is a public member of the board, and one of whom~~  
39 ~~shall be a public accountant, to perform any of the following duties:~~

1 ~~(a) To evaluate programs and advise the board as to whether~~  
 2 ~~they qualify under the regulations adopted by the board pursuant~~  
 3 ~~to subdivision (f) of Section 5027. Educational courses offered by~~  
 4 ~~professional accounting societies shall be accepted by the board~~  
 5 ~~as qualifying if the courses are approved by the committee as~~  
 6 ~~meeting the requirements of the board under the regulations.~~

7 ~~(b) To consider applications for exceptions as permitted under~~  
 8 ~~Section 5028 and provide a recommendation to the board.~~

9 ~~(c) To consider other advisory matters relating to the~~  
 10 ~~requirements of this article as the board may assign to the~~  
 11 ~~committee.~~

12 SEC. 62. Section 5037 of the Business and Professions Code  
 13 is amended to read:

14 5037. (a) All statements, records, schedules, working papers  
 15 and memoranda made by a licensee or a partner, shareholder,  
 16 officer, director, or employee of a licensee, incident to, or in the  
 17 course of, rendering services to a client in the practice of public  
 18 accountancy, except the reports submitted by the licensee to the  
 19 client and except for records ~~which~~ *that* are part of the client's  
 20 records, shall be and remain the property of the licensee in the  
 21 absence of an express agreement between the licensee and the  
 22 client to the contrary. No such statement, record, schedule, working  
 23 paper, or memoranda shall be sold, transferred, or bequeathed,  
 24 without the consent of the client or ~~his or her~~ *their* personal  
 25 representative or assignee, to anyone other than one or more  
 26 surviving partners or stockholders or new partners or stockholders  
 27 of the licensee, or any combined or merged firm or successor in  
 28 interest to the licensee.

29 (b) A licensee shall furnish to ~~his or her~~ *a* client or former client,  
 30 upon request and reasonable notice:

31 (1) A copy of the licensee's working papers, to the extent that  
 32 those working papers include records that would ordinarily  
 33 constitute part of the client's records and are not otherwise  
 34 available to the client.

35 (2) Any accounting or other records belonging to, or obtained  
 36 from or on behalf of, the client ~~which~~ *that* the licensee removed  
 37 from the client's premises or received for the client's account. The  
 38 licensee may make and retain copies of documents of the client  
 39 when they form the basis for work done by ~~him or her~~ *them*.



1 SEC. 63. Section 5051 of the Business and Professions Code  
2 is amended to read:

3 5051. Except as provided in Sections 5052 and 5053, a person  
4 shall be deemed to be engaged in the practice of public accountancy  
5 within the meaning and intent of this chapter if ~~he or she does~~ *they*  
6 *do* any of the following:

7 (a) ~~Holds himself or herself~~ *Hold themselves* out to the public  
8 in any manner as one skilled in the knowledge, science, and  
9 practice of accounting, and as qualified and ready to render  
10 professional service ~~therein~~ as a public accountant for  
11 compensation.

12 (b) ~~Maintains~~ *Maintain* an office for the transaction of business  
13 as a public accountant.

14 (c) ~~Offers~~ *Offer* to prospective clients to perform for  
15 compensation, or ~~who~~ does perform on behalf of clients for  
16 compensation, professional services that involve or require an  
17 audit, examination, verification, investigation, certification,  
18 presentation, or review of financial transactions and accounting  
19 records.

20 (d) ~~Prepares or certifies~~ *Prepare or certify* for clients reports  
21 on audits or examinations of books or records of account, balance  
22 sheets, and other financial, accounting and related schedules,  
23 exhibits, statements, or reports that are to be used for publication,  
24 for the purpose of obtaining credit, for filing with a court of law  
25 or with any governmental agency, or for any other purpose.

26 (e) In general or as an incident to that work, ~~renders~~ *render*  
27 professional services to clients for compensation in any or all  
28 matters relating to accounting procedure and to the recording,  
29 presentation, or certification of financial information or data.

30 (f) ~~Keeps~~ *Keep* books, ~~makes~~ *make* trial balances, or ~~prepares~~  
31 *prepare* statements, ~~makes~~ *make* audits, or ~~prepares~~ *prepare*  
32 reports, all as a part of bookkeeping operations for clients.

33 (g) ~~Prepares or signs~~ *Prepare or sign*, as the tax preparer, tax  
34 returns for clients.

35 (h) ~~Prepares~~ *Prepare* personal financial or investment plans or  
36 ~~provides~~ *provide* to clients products or services of others in  
37 implementation of personal financial or investment plans.

38 (i) ~~Provides~~ *Prepare* management consulting services to clients.

1 The activities set forth in subdivisions (f) to (i), inclusive, are  
2 “public accountancy” only when performed by a certified public  
3 accountant or public accountant, as defined in this chapter.

4 A person is not engaged in the practice of public accountancy  
5 if the only services ~~he or she engages~~ *they engage* in are those  
6 defined by subdivisions (f) to (i), inclusive, and ~~he or she does~~  
7 *they do* not hold ~~himself or herself~~ *themselves* out, solicit, or  
8 advertise for clients using the certified public accountant or public  
9 accountant designation. A person is not holding ~~himself or herself~~  
10 *themselves* out, soliciting, or advertising for clients within the  
11 meaning of this section solely by reason of displaying a CPA or  
12 PA certificate in ~~his or her~~ *their* office or identifying ~~himself or~~  
13 ~~herself~~ *themselves* as a CPA or PA on other than signs,  
14 advertisements, letterhead, business cards, publications directed  
15 to clients or potential clients, or financial or tax documents of a  
16 client.

17 SEC. 64. Section 5053 of the Business and Professions Code  
18 is amended to read:

19 5053. Nothing contained in this chapter precludes a person  
20 who is not a certified public accountant or public accountant from  
21 serving as an employee of, or an assistant to, a certified public  
22 accountant or public accountant or partnership or a corporation  
23 composed of certified public accountants or public accountants  
24 holding a permit to practice pursuant to this chapter if the employee  
25 or assistant works under the control and supervision of a certified  
26 public accountant, or a public accountant authorized to practice  
27 public accountancy pursuant to this chapter and if the employee  
28 or assistant does not issue any statement over ~~his or her~~ *their* name.

29 This section does not apply to an attorney at law in connection  
30 with ~~his or her~~ *the* practice of law.

31 SEC. 65. Section 5057 of the Business and Professions Code  
32 is amended to read:

33 5057. Notwithstanding any other provision of law, an individual  
34 holding a valid and current license, certificate, or permit to practice  
35 public accountancy from another state shall be exempt from the  
36 requirement to obtain a permit to practice public accountancy  
37 issued by the board under this chapter or to secure a practice  
38 privilege pursuant to Article 5.1 (commencing with Section 5096)  
39 if all of the following conditions are satisfied:

40 (a) The individual’s client is located in another state.

1 (b) The individual’s engagement with the client relates to work  
2 product to be delivered in another state.

3 (c) The individual does not solicit California clients, or have  
4 ~~his or her~~ *their* principal place of business in this state.

5 (d) The individual does not assert or imply that ~~he or she is~~ *they*  
6 *are* licensed to practice public accountancy in California.

7 (e) The individual’s practice of public accountancy in this state  
8 on behalf of the client located in another state is of a limited  
9 duration, not extending beyond the period required to service the  
10 engagement for the client located in another state.

11 (f) The individual’s practice of public accountancy in this state  
12 specifically relates to servicing the engagement for the client  
13 located in another state.

14 SEC. 66. Section 5058.2 of the Business and Professions Code  
15 is amended to read:

16 5058.2. The holder of an inactive license issued by the board  
17 pursuant to Section 462, when lawfully using the title “certified  
18 public accountant,” the CPA designation, or any other reference  
19 that would suggest that the person is licensed by the board on  
20 materials such as correspondence, ~~Internet Web sites~~, *internet*  
21 *websites*, business cards, nameplates, or name plaques, shall place  
22 the term “inactive” immediately after that designation.

23 SEC. 67. Section 5058.3 of the Business and Professions Code  
24 is amended to read:

25 5058.3. The holder of a retired license issued by the board  
26 pursuant to Section 5070.1, when lawfully using the title “certified  
27 public accountant,” the CPA designation, or any other reference  
28 that would suggest that the person is licensed by the board on  
29 materials such as correspondence, ~~Internet Web sites~~, *internet*  
30 *websites*, business cards, nameplates, or name plaques, shall place  
31 the term “retired” immediately after that title, designation, or  
32 reference.

33 SEC. 68. Section 5058.4 of the Business and Professions Code  
34 is amended to read:

35 5058.4. The holder of a permit in a military inactive status  
36 issued by the board pursuant to Section 5070.2, when lawfully  
37 using the title “certified public accountant,” the CPA designation,  
38 or any other reference that would suggest that the person is licensed  
39 by the board, on materials such as correspondence, ~~Internet Web~~  
40 ~~sites~~, *internet websites*, business cards, nameplates, or name

1 plaques, shall place the term “military inactive” immediately after  
2 that title, designation, or reference.

3 SEC. 69. Section 5060 of the Business and Professions Code  
4 is amended to read:

5 5060. (a) No person or firm may practice public accountancy  
6 under any name which is false or misleading.

7 (b) No person or firm may practice public accountancy under  
8 any name other than the name under which the person or firm  
9 holds a valid permit to practice issued by the board.

10 (c) Notwithstanding subdivision (b), a sole proprietor may  
11 practice under a name other than the name set forth on ~~his or her~~  
12 *their* permit to practice, provided the name is registered by the  
13 board, is in good standing, and complies with the requirements of  
14 subdivision (a).

15 (d) The board may adopt regulations to implement, interpret,  
16 and make specific the provisions of this section including, but not  
17 limited to, regulations designating particular forms of names as  
18 being false or misleading.

19 SEC. 70. Section 5063.3 of the Business and Professions Code  
20 is amended to read:

21 5063.3. (a) No confidential information obtained by a licensee,  
22 ~~in his or her~~ *their* professional capacity, concerning a client or a  
23 prospective client shall be disclosed by the licensee without the  
24 written permission of the client or prospective client, except the  
25 following:

26 (1) Disclosures made by a licensee in compliance with a  
27 subpoena or a summons enforceable by order of a court.

28 (2) Disclosures made by a licensee regarding a client or  
29 prospective client to the extent the licensee reasonably believes it  
30 is necessary to maintain or defend ~~himself or herself~~ *themselves*  
31 in a legal proceeding initiated by the client or prospective client.

32 (3) Disclosures made by a licensee in response to an official  
33 inquiry from a federal or state government regulatory agency.

34 (4) Disclosures made by a licensee or a licensee’s duly  
35 authorized representative to another licensee or person in  
36 connection with a proposed sale or merger of the licensee’s  
37 professional practice, provided the parties enter into a written  
38 nondisclosure agreement with regard to all client information  
39 shared between the parties.

40 (5) Disclosures made by a licensee to either of the following:

1 (A) Another licensee to the extent necessary for purposes of  
2 professional consultation.

3 (B) Organizations that provide professional standards review  
4 and ethics or quality control peer review.

5 (6) Disclosures made when specifically required by law.

6 (7) Disclosures specified by the board in regulation.

7 (b) In the event that confidential client information may be  
8 disclosed to persons or entities outside the United States of America  
9 in connection with the services provided, the licensee shall inform  
10 the client in writing and obtain the client's written permission for  
11 the disclosure.

12 SEC. 71. Section 5070.7 of the Business and Professions Code  
13 is amended to read:

14 5070.7. (a) A permit that is not renewed within five years  
15 following its expiration may not be renewed, restored, or reinstated  
16 thereafter, and the certificate of the holder of the permit shall be  
17 canceled immediately upon expiration of the five-year period,  
18 except as provided in subdivision (e).

19 (b) A partnership or corporation whose certificate has been  
20 canceled by operation of this section may obtain a new certificate  
21 and permit only if it again meets the requirements set forth in this  
22 chapter relating to registration and pays the registration fee and  
23 initial permit fee.

24 (c) A certified public accountant whose certificate is canceled  
25 by operation of this section may apply for and obtain a new  
26 certificate and permit if the applicant:

27 (1) Is not subject to denial of a certificate and permit under  
28 Section 480.

29 (2) Pays all of the fees that would be required of ~~him or her if~~  
30 ~~he or she~~ *them if they* were then applying for the certificate and  
31 permit for the first time.

32 (3) Takes and passes the examination ~~which~~ *that* would be  
33 required of ~~him or her if he or she~~ *them if they* were then applying  
34 for the certificate for the first time. The examination may be waived  
35 in any case in which the applicant establishes to the satisfaction  
36 of the board that, with due regard for the public interest, ~~he or she~~  
37 *is they are* qualified to engage in practice as a certified public  
38 accountant.

39 (d) The board may, by appropriate regulation, provide for the  
40 waiver or refund of all or any part of the application fee in those

1 cases in which a certificate is issued without an examination under  
2 this section.

3 (e) Revoked permits may not be renewed, but may be reinstated  
4 by the board, without regard to the length of time that has elapsed  
5 since the permit was revoked, and with conditions and restrictions  
6 as the board shall determine.

7 SEC. 72. Section 5076 of the Business and Professions Code  
8 is amended to read:

9 5076. (a) In order to renew its registration in an active status  
10 or convert to an active status, a firm, as defined in Section 5035.1,  
11 shall have a peer review report of its accounting and auditing  
12 practice accepted by a board-recognized peer review program no  
13 less frequently than every three years.

14 (b) For purposes of this article, the following definitions apply:

15 (1) "Peer review" means a study, appraisal, or review conducted  
16 in accordance with professional standards of the professional work  
17 of a firm, and may include an evaluation of other factors in  
18 accordance with the requirements specified by the board in  
19 regulations. The peer review report shall be issued by an individual  
20 who has a valid and current license, certificate, or permit to practice  
21 public accountancy from this state or another state and is  
22 unaffiliated with the firm being reviewed.

23 (2) "Accounting and auditing practice" includes any services  
24 that were performed in the prior three years using professional  
25 standards defined by the board in regulations.

26 (c) The board shall adopt regulations as necessary to implement,  
27 interpret, and make specific the peer review requirements in this  
28 section, including, but not limited to, regulations specifying the  
29 requirements for board recognition of a peer review program,  
30 standards for administering a peer review, extensions of time for  
31 fulfilling the peer review requirement, exclusions from the peer  
32 review program, and document submission.

33 (d) Nothing in this section shall prohibit the board from initiating  
34 an investigation and imposing discipline against a firm or licensee,  
35 either as the result of a complaint that alleges violations of statutes,  
36 rules, or regulations, or from information contained in a peer review  
37 report received by the board.

38 (e) A firm issued a ~~substandard peer review report~~, *peer*  
39 *reviewed report with a rating of "fail,"* as defined by the board in  
40 regulation, shall submit a copy of that report to the board. The

1 board shall establish in regulation the time period that a firm must  
2 submit the report to the board. This period shall not exceed 60  
3 days from the time the report is accepted by a board-recognized  
4 peer review program provider to the date the report is submitted  
5 to the board.

6 (f) (1) A board-recognized peer review program provider shall  
7 file a copy with the board of all ~~substandard~~ peer review reports  
8 issued to California-licensed ~~firms~~. *firms with a rating of "fail."*  
9 The board shall establish in regulation the time period that a  
10 board-recognized peer review program provider shall file the report  
11 with the board. This period shall not exceed 60 days from the time  
12 the report is accepted by a board-recognized peer review program  
13 provider to the date the report is filed with the board. These reports  
14 may be filed with the board electronically.

15 (2) Nothing in this subdivision shall require a board-recognized  
16 peer review program provider, when administering peer reviews  
17 in another state, to violate the laws of that state.

18 (g) The board ~~shall, by January 1, 2010,~~ shall define a  
19 ~~substandard~~ peer review report *rating of "fail"* in regulation.

20 (h) Any requirements imposed by a board-recognized peer  
21 review program on a firm in conjunction with the completion of  
22 a peer review shall be separate from, and in addition to, any action  
23 by the board pursuant to this section.

24 (i) ~~Any report of a substandard peer review~~ *peer review report*  
25 *with a rating of "fail"* submitted to the board in conjunction with  
26 this section shall be collected for investigatory purposes.

27 (j) Nothing in this section affects the discovery or admissibility  
28 of evidence in a civil or criminal action.

29 (k) Nothing in this section requires any firm to become a  
30 member of any professional organization.

31 (l) A peer reviewer shall not disclose information concerning  
32 licensees or their clients obtained during a peer review, unless  
33 specifically authorized pursuant to this section, Section 5076.1, or  
34 regulations prescribed by the board.

35 (m) (1) By January 1, 2015, the board shall provide the  
36 Legislature and Governor with a report regarding the peer review  
37 requirements of this section that includes, without limitation:

38 (A) The number of peer review reports completed to date and  
39 the number of reports ~~which~~ *that* were submitted to the board as  
40 required in subdivision (e).

1 (B) The number of enforcement actions that were initiated as a  
2 result of an investigation conducted pursuant to subdivision (i).

3 (C) The number of firms that were recommended to take  
4 corrective actions to improve their practice through the mandatory  
5 peer review process, and the number of firms that took corrective  
6 actions to improve their practice following recommendations  
7 resulting from the mandatory peer review process.

8 (D) The extent to which mandatory peer review of accounting  
9 firms enhances consumer protection.

10 (E) The cost impact on firms undergoing mandatory peer review  
11 and the cost impact of mandatory peer review on the firm's clients.

12 (F) A recommendation as to whether the mandatory peer review  
13 program should continue.

14 (G) The extent to which mandatory peer review of small firms  
15 or sole practitioners that prepare nondisclosure compiled financial  
16 statements on ~~an other~~ *another* comprehensive basis of accounting  
17 enhances consumer protection.

18 (H) The impact of peer review required by this section on small  
19 firms and sole practitioners that prepare nondisclosure compiled  
20 financial statements on ~~an other~~ *another* comprehensive basis of  
21 accounting.

22 (I) The impact of peer review required by this section on small  
23 businesses, nonprofit corporations, and other entities that utilize  
24 small firms or sole practitioners for the purposes of nondisclosure  
25 compiled financial statements prepared on ~~an other~~ *another*  
26 comprehensive basis of accounting.

27 (J) A recommendation as to whether the preparation of  
28 nondisclosure compiled financial statements on ~~an other~~ *another*  
29 comprehensive basis of accounting should continue to be a part  
30 of the mandatory peer review program.

31 (2) A report to the Legislature pursuant to this section shall be  
32 submitted in compliance with Section 9795 of the Government  
33 Code.

34 SEC. 73. Section 5082.4 of the Business and Professions Code  
35 is amended to read:

36 5082.4. A Canadian Chartered Accountant in good standing  
37 may be deemed by the board to have met the examination  
38 requirements of Section 5082, 5092, or 5093 if ~~he or she has~~ *they*  
39 *have* successfully passed the Canadian Chartered Accountant  
40 Uniform Certified Public Accountant Qualification Examination



1 of the American Institute of Certified Public Accountants or the  
2 International Uniform Certified Public Accountant Qualification  
3 Examination referenced in subdivision (b) Section 5082.3.

4 SEC. 74. Section 5092.1 of the Business and Professions Code  
5 is repealed.

6 ~~5092.1. Notwithstanding subdivision (a) of Section 5093, an~~  
7 ~~applicant who has successfully completed the examination~~  
8 ~~requirement specified in Section 5082 on or before December 31,~~  
9 ~~2013, may qualify for the issuance of a certified public accountant~~  
10 ~~license until January 1, 2016, if he or she has met all remaining~~  
11 ~~requirements specified in Section 5092 as they existed on~~  
12 ~~December 31, 2013.~~

13 SEC. 75. Section 5094 of the Business and Professions Code  
14 is amended to read:

15 5094. (a) In order for education to be qualifying, it shall meet  
16 the standards described in subdivision (b) or (c) of this section.

17 (b) At a minimum, education shall be from a degree-granting  
18 university, college, or other institution of learning accredited by  
19 a regional or national accrediting agency included in a list of these  
20 agencies published by the United States Secretary of Education  
21 under the requirements of the Higher Education Act of 1965 as  
22 amended (20 U.S.C. Sec. 1001 et seq.).

23 (c) Education from a college, university, or other institution of  
24 learning located outside the United States may be qualifying  
25 provided it is deemed by the board to be equivalent to education  
26 obtained under subdivision (b). The board may require an applicant  
27 to submit documentation of ~~his or her~~ *their* education to a credential  
28 evaluation service approved by the board for evaluation and to  
29 cause the results of this evaluation to be reported to the board in  
30 order to assess educational equivalency.

31 (d) The board shall adopt regulations specifying the criteria and  
32 procedures for approval of credential evaluation services. These  
33 regulations shall, at a minimum, require that the credential  
34 evaluation service (1) furnish evaluations directly to the board, (2)  
35 furnish evaluations written in English, (3) be a member of the  
36 American Association of Collegiate Registrars and Admissions  
37 Officers, NAFSA: Association of International Educators, or the  
38 National Association of Credential Evaluation Services, (4) be  
39 used by accredited colleges and universities, (5) be reevaluated by  
40 the board every five years, (6) maintain a complete set of reference

1 materials as specified by the board, (7) base evaluations only upon  
2 authentic, original transcripts and degrees and have a written  
3 procedure for identifying fraudulent transcripts, (8) include in the  
4 evaluation report, for each degree held by the applicant, the  
5 equivalent degree offered in the United States, the date the degree  
6 was granted, the institution granting the degree, an English  
7 translation of the course titles, and the semester unit equivalence  
8 for each of the courses, (9) have an appeal procedure for applicants,  
9 and (10) furnish the board with information concerning the  
10 credential evaluation service that includes biographical information  
11 on evaluators and translators, three letters of references from public  
12 or private agencies, statistical information on the number of  
13 applications processed annually for the past five years, and any  
14 additional information the board may require in order to ascertain  
15 that the credential evaluation service meets the standards set forth  
16 in this subdivision and in any regulations adopted by the board.

17 SEC. 76. Section 5096.20 of the Business and Professions  
18 Code is amended to read:

19 5096.20. (a) To ensure that Californians are protected from  
20 out-of-state licensees with disqualifying conditions who may  
21 unlawfully attempt to practice in this state under a practice  
22 privilege, prior to July 1, 2013, the board shall add an out-of-state  
23 licensee feature to its license lookup tab of the home page of its  
24 ~~Internet Web site~~ *internet website* that allows consumers to obtain  
25 information about an individual whose principal place of business  
26 is not in this state and who seeks to exercise a practice privilege  
27 in this state, that is at least equal to the information that was  
28 available to consumers through its home page prior to January 1,  
29 2013, through the practice privilege form previously filed by  
30 out-of-state licensees pursuant to Section 5096, as added by  
31 Chapter 921 of the Statutes of 2004, and the regulations adopted  
32 thereunder. At minimum, these features shall include all of the  
33 following:

34 (1) The ability of the consumer to search by name and state of  
35 licensure.

36 (2) The disclosure of information in the possession of the board,  
37 which the board is otherwise authorized to publicly disclose, about  
38 an individual exercising a practice privilege in this state, including,  
39 but not limited to, whether the board has taken action of any form  
40 against that individual and, if so, what the action was or is.

1 (3) A disclaimer that the consumer must click through prior to  
2 being referred to any other ~~Internet Web site~~, *internet website*,  
3 which in plain language explains that the consumer is being  
4 referred to an ~~Internet Web site~~ *internet website* that is maintained  
5 by a regulatory agency or other entity that is not affiliated with the  
6 board. This disclaimer shall include a link to relevant sections of  
7 this article that set forth disqualifying conditions, including, but  
8 not limited to, Section 5096.2.

9 (4) A statement in plain language that notifies consumers that  
10 they are permitted to file complaints against such individuals with  
11 the board.

12 (5) A link to the ~~Internet Web site~~ *internet website* or sites that  
13 the board determines, in its discretion, provides the consumer the  
14 most complete and reliable information available about the  
15 individual's status as a licenseholder, permitholder, or certificate  
16 holder.

17 (6) If the board of another state does not maintain an ~~Internet~~  
18 ~~Web site~~ *internet website* that allows a consumer to obtain  
19 information about its licensees including, but not limited to,  
20 disciplinary history, and that information is not available through  
21 a link to an ~~Internet Web site~~ *internet website* maintained by  
22 another entity, a link to contact information for that board, which  
23 contains a disclaimer in plain language that explains that the  
24 consumer is being referred to a board that does not permit the  
25 consumer to obtain information, including, but not limited to,  
26 disciplinary history, about individuals through the ~~Internet Web~~  
27 ~~site~~, *internet website*, and that the out-of-state board is not affiliated  
28 with the board.

29 (b) The board shall biennially survey the ~~Internet Web sites~~  
30 *internet websites* and disclosure policies of other boards to ensure  
31 that its disclaimers are accurate.

32 SEC. 77. Section 5096.21 of the Business and Professions  
33 Code is amended to read:

34 5096.21. (a) (1) On and after January 1, 2016, if the board  
35 determines, through a majority vote of the board at a regularly  
36 scheduled meeting, that allowing individuals from a particular  
37 state to practice in this state pursuant to a practice privilege as  
38 described in Section 5096, violates the board's duty to protect the  
39 public, pursuant to Section 5000.1, the board shall require  
40 out-of-state individuals licensed from that state, as a condition to

1 exercising a practice privilege in this state, to file the notification  
2 form and pay the applicable fees as required by Section 5096.22.

3 (2) A state for which the board has made a determination  
4 pursuant to paragraph (1) to require individuals licensed from that  
5 state to file a notification form and pay the applicable fees may  
6 subsequently be redetermined by the board, by majority vote of  
7 the board at a regularly scheduled meeting, to allow individuals  
8 from that state to practice in this state pursuant to a practice  
9 privilege as described in Section 5096.

10 (b) The board shall, at minimum, consider the following factors  
11 when making a determination or redetermination pursuant to  
12 subdivision (a):

13 (1) Whether the state timely and adequately addresses  
14 enforcement referrals made by the board to the accountancy  
15 regulatory board of that state, or otherwise fails to respond to  
16 requests the board deems necessary to meet its obligations under  
17 this article.

18 (2) Whether the state makes the disciplinary history of its  
19 licensees publicly available through the Internet in a manner that  
20 allows the board to adequately link consumers to an ~~Internet Web~~  
21 *site internet website* to obtain information that was previously  
22 made available to consumers about individuals from the state prior  
23 to January 1, 2013, through the notification form.

24 (3) Whether the state imposes discipline against licensees that  
25 is appropriate in light of the nature of the alleged misconduct.

26 (4) Whether the state has in place and is operating pursuant to  
27 enforcement practices substantially equivalent to the current best  
28 practices guidelines adopted by the National Association of State  
29 Boards of Accountancy provided those guidelines have been  
30 determined by the board to meet or exceed the board's own  
31 enforcement practices.

32 (c) On or before July 1, 2014, the board shall convene a  
33 stakeholder group consisting of members of the board, board  
34 enforcement staff, and representatives of the accounting profession  
35 and consumer representatives to consider whether the provisions  
36 of this article are consistent with the board's duty to protect the  
37 public consistent with Section 5000.1, and whether the provisions  
38 of this article satisfy the objectives of stakeholders of the  
39 accounting profession in this state, including consumers. The  
40 group, at its first meeting, shall adopt policies and procedures

1 relative to how it will conduct its business, including, but not  
2 limited to, policies and procedures addressing periodic reporting  
3 of its findings to the board. The group shall provide  
4 recommendations to the board on any matter upon which it is  
5 authorized to act.

6 SEC. 78. Section 5103.5 of the Business and Professions Code  
7 is amended to read:

8 5103.5. (a) The board shall post on its ~~Internet Web site,~~  
9 *internet website*, in an easily marked and identifiable location,  
10 notice of all formal accusations. The notice of any formal  
11 accusation shall contain a link to where a person may request and  
12 have sent to ~~him or her~~ *them* a copy of the formal accusation, and  
13 the basis for the accusation and alleged violations filed by the  
14 board against a licensee.

15 (b) The link to where a person may request and have sent to  
16 ~~him or her~~ *them* a copy of the formal accusation shall be clearly  
17 and conspicuously located on the same ~~Internet Web site~~ *internet*  
18 *website* page on which the notice is posted and shall authorize a  
19 person to request and receive the information described in  
20 subdivision (a) by regular mail or electronic mail.

21 (c) The board shall develop a statement that informs any person  
22 requesting a copy of a formal accusation and any person receiving  
23 a copy of a formal accusation that any allegations contained in the  
24 accusation are not a final determination of wrongdoing and are  
25 subject to adjudication and final review by the board pursuant to  
26 the Administrative Procedure Act (Chapter 3.5 (commencing with  
27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
28 Code). This statement shall be provided to a person requesting and  
29 receiving a copy of a formal accusation in a manner to be  
30 determined by the board.

31 SEC. 79. Section 5104 of the Business and Professions Code  
32 is amended to read:

33 5104. Any certified public accountant or public accountant  
34 whose certificate, registration, or permit has been revoked or  
35 suspended ~~shall upon request of the board relinquish his or her~~  
36 *shall, upon request of the board, relinquish their* certificate or  
37 permit. However, upon the expiration of the period of suspension,  
38 the board shall immediately return any suspended certificate or  
39 permit ~~which~~ *that* has been relinquished.

1 SEC. 80. Section 5107 of the Business and Professions Code  
2 is amended to read:

3 5107. (a) The executive officer of the board may request the  
4 administrative law judge, as part of the proposed decision in a  
5 disciplinary proceeding, to direct any holder of a permit or  
6 certificate found to have committed a violation or violations of  
7 this chapter to pay to the board all reasonable costs of investigation  
8 and prosecution of the case, including, but not limited to, attorney's  
9 fees. The board shall not recover costs incurred at the  
10 administrative hearing.

11 (b) A certified copy of the actual costs, or a good faith estimate  
12 of costs where actual costs are not available, signed by the  
13 executive officer, shall be prima facie evidence of reasonable costs  
14 of investigation and prosecution of the case.

15 (c) The administrative law judge shall make a proposed finding  
16 of the amount of reasonable costs of investigation and prosecution  
17 of the case when requested to do so by the executive officer  
18 pursuant to subdivision (a). Costs are payable 120 days after the  
19 board's decision is final, unless otherwise provided for by the  
20 administrative law judge or if the time for payment is extended by  
21 the board.

22 (d) The finding of the administrative law judge with regard to  
23 cost shall not be reviewable by the board to increase the cost award.  
24 The board may reduce or eliminate the cost award, or remand to  
25 the administrative law judge where the proposed decision fails to  
26 make a finding on costs requested by the executive officer pursuant  
27 to subdivision (a).

28 (e) The administrative law judge may make a further finding  
29 that the amount of reasonable costs awarded shall be reduced or  
30 eliminated upon a finding that respondent has demonstrated that  
31 ~~he or she~~ *they* cannot pay all or a portion of the costs or that  
32 payment of the costs would cause an unreasonable financial  
33 hardship ~~which~~ *that* cannot be remedied through a payment plan.

34 (f) When an administrative law judge makes a finding that costs  
35 be waived or reduced, ~~he or she~~ *they* shall set forth the factual basis  
36 for ~~his or her~~ *their* finding in the proposed decision.

37 (g) Where an order for recovery of costs is made and timely  
38 payment is not made as directed by the board's decision, the board  
39 may enforce the order for payment in any appropriate court. This  
40 right of enforcement shall be in addition to any other rights the

1 board may have as to any holder of a permit or certificate directed  
2 to pay costs.

3 (h) In a judicial action for the recovery of costs, proof of the  
4 board's decision shall be conclusive proof of the validity of the  
5 order of payment and the terms of payment.

6 (i) All costs recovered under this section shall be deposited in  
7 the Accountancy Fund.

8 (j) (1) Except as provided in paragraph (2), the board shall not  
9 renew or reinstate the permit or certificate of a holder who has  
10 failed to pay all of the costs ordered under this section.

11 (2) Notwithstanding paragraph (1) or paragraph (2) of  
12 subdivision (g) of Section 125.3, the board may, in its discretion,  
13 conditionally renew or reinstate for a maximum of three years the  
14 permit or certificate of a holder who demonstrates financial  
15 hardship and who enters into a formal agreement with the board  
16 to reimburse the board within that three-year period for those  
17 unpaid costs.

18 (k) Nothing in this section shall preclude the board from seeking  
19 recovery of costs in an order or decision made pursuant to an  
20 agreement entered into between the board and the holder of a  
21 permit or certificate.

22 (l) (1) Costs may not be recovered under this section as a result  
23 of a citation issued pursuant to Section 125.9 and its implementing  
24 language if the licensee complies with the citation.

25 (2) The Legislature hereby finds and declares that this  
26 subdivision is declaratory of existing law.

27 SEC. 81. Section 5121 of the Business and Professions Code  
28 is amended to read:

29 5121. The display or uttering by a person of a card, sign,  
30 advertisement or other printed, engraved or written instrument or  
31 device, bearing a person's name in conjunction with the words  
32 "certified public accountant" or any abbreviation thereof or the  
33 words "public accountant" or any abbreviation thereof shall be  
34 prima facie evidence in any prosecution, proceeding or hearing  
35 brought under this article that the person whose name is so  
36 displayed caused or procured the display or uttering of such card,  
37 sign, advertisement or other printed, engraved or written instrument  
38 or device. Any such display or uttering shall be prima facie  
39 evidence that the person whose name is so displayed holds ~~himself~~  
40 ~~or herself~~ *themselves* out as a certified public accountant, or a

1 public accountant holding a permit to practice public accountancy  
2 in this State under the provisions of this chapter. In any prosecution  
3 or hearing under this chapter, evidence of the commission of a  
4 single act prohibited by this chapter shall be sufficient to justify a  
5 conviction without evidence of a general course of conduct.

6 SEC. 82. Section 5134 of the Business and Professions Code  
7 is amended to read:

8 5134. The amount of fees prescribed by this chapter is as  
9 follows:

10 (a) The fee to be charged to each applicant for the certified  
11 public accountant examination shall be fixed by the board at an  
12 amount not to exceed six hundred dollars (\$600). The board may  
13 charge a reexamination fee not to exceed seventy-five dollars (\$75)  
14 for each part that is subject to reexamination.

15 (b) The fee to be charged to out-of-state candidates for the  
16 certified public accountant examination shall be fixed by the board  
17 at an amount not to exceed six hundred dollars (\$600) per  
18 candidate.

19 (c) The application fee to be charged to each applicant for  
20 issuance of a certified public accountant certificate shall be fixed  
21 by the board at an amount not to exceed two hundred fifty dollars  
22 (\$250).

23 (d) The application fee to be charged to each applicant for  
24 issuance of a certified public accountant certificate by waiver of  
25 examination shall be fixed by the board at an amount not to exceed  
26 two hundred fifty dollars (\$250).

27 (e) The fee to be charged to each applicant for registration as a  
28 partnership or professional corporation shall be fixed by the board  
29 at an amount not to exceed two hundred fifty dollars (\$250).

30 (f) The biennial fee for the renewal of each of the permits to  
31 engage in the practice of public accountancy specified in Section  
32 5070 shall not be less than two hundred fifty dollars (\$250) and  
33 shall not exceed two hundred eighty dollars (\$280).

34 (g) The application fee to be charged to each applicant for a  
35 retired status license, as described in Section 5070.1, shall be fixed  
36 by the board at an amount not to exceed two hundred fifty dollars  
37 (\$250).

38 (h) The application fee to be charged to each applicant for  
39 restoration of a license in a retired status to an active status pursuant



1 to subdivision (f) of Section 5070.1 shall be fixed by the board at  
2 an amount not to exceed one thousand dollars (\$1,000).

3 (i) The delinquency fee shall be 50 percent of the accrued  
4 renewal fee.

5 (j) The initial permit fee is an amount equal to the renewal fee  
6 in effect on the last regular renewal date before the date on which  
7 the permit is issued, except that, if the permit is issued one year  
8 or less before it will expire, then the initial permit fee is an amount  
9 equal to 50 percent of the renewal fee in effect on the last regular  
10 renewal date before the date on which the permit is issued. The  
11 board may, by regulation, provide for the waiver or refund of the  
12 initial permit fee where the permit is issued less than 45 days before  
13 the date on which it will expire.

14 ~~(k) (1) The annual fee to be charged an individual for a practice~~  
15 ~~privilege pursuant to Section 5096 with an authorization to sign~~  
16 ~~attest reports shall be fixed by the board at an amount not to exceed~~  
17 ~~one hundred twenty-five dollars (\$125).~~

18 ~~(2) The annual fee to be charged an individual for a practice~~  
19 ~~privilege pursuant to Section 5096 without an authorization to sign~~  
20 ~~attest reports shall be fixed by the board at an amount not to exceed~~  
21 ~~80 percent of the fee authorized under paragraph (1).~~

22 ~~(f)~~

23 (k) The fee to be charged for the certification of documents  
24 evidencing passage of the certified public accountant examination,  
25 the certification of documents evidencing the grades received on  
26 the certified public accountant examination, or the certification of  
27 documents evidencing licensure shall be twenty-five dollars (\$25).

28 ~~(m)~~

29 (l) The board shall fix the fees in accordance with the limits of  
30 this section and any increase in a fee fixed by the board shall be  
31 pursuant to regulation duly adopted by the board in accordance  
32 with the limits of this section.

33 ~~(n)~~

34 (m) It is the intent of the Legislature that, to ease entry into the  
35 public accounting profession in California, any administrative cost  
36 to the board related to the certified public accountant examination  
37 or issuance of the certified public accountant certificate that  
38 exceeds the maximum fees authorized by this section shall be  
39 covered by the fees charged for the biennial renewal of the permit  
40 to practice.

1 SEC. 83. Section 21638.5 of the Business and Professions  
2 Code is amended to read:

3 21638.5. Sections 21636, *21636.1*, 21637, and 21638, insofar  
4 as they apply to holding periods for personal property, are not  
5 applicable to personal property pledged to a pawnbroker with  
6 respect to the redemption of personal property by the pledgor.

7 SEC. 84. Section 94874.8 of the Education Code is amended  
8 to read:

9 94874.8. (a) An institution exempt from all or part of this  
10 chapter pursuant to subdivision (i) of Section 94874 or Section  
11 94874.1 may apply to the bureau for an approval to operate  
12 pursuant to this section, but only subject to all of the following  
13 provisions:

14 (1) The bureau may approve the operation of an institution that  
15 is exempt from all or part of this chapter as specified above in  
16 accordance with the authority granted pursuant to Article 6  
17 (commencing with Section 94885). Upon issuing an approval to  
18 operate to an institution pursuant to this section, the bureau is  
19 authorized to regulate that institution through the full set of powers  
20 granted, and duties imposed, by this chapter, as those powers and  
21 duties would apply to an institution that is not exempt from this  
22 chapter.

23 (2) Notwithstanding any other law, upon issuance of an approval  
24 to operate pursuant to this section, the institution is no longer  
25 eligible for exemption, from the provisions of this chapter pursuant  
26 to subdivision (i) of Section 94874 or Section 94874.1, unless  
27 authorized by subsequent legislation.

28 (3) Upon issuance of an approval to operate pursuant to this  
29 section, an institution is subject to all provisions of this chapter,  
30 and any regulations adopted pursuant to this chapter, that apply to  
31 an institution subject to this chapter, except as expressly provided  
32 in paragraph (4).

33 (4) (A) With respect to the placement and salary or wage data  
34 required to be collected, calculated, and reported by Article 16  
35 (commencing with Section 94928), an institution issued an  
36 approval to operate pursuant to this section is not required to report  
37 on its first School Performance Fact Sheet any data from the period  
38 prior to the date of the issuance of the approval to operate that the  
39 institution was not required to collect and does not have available  
40 to it. An institution shall, however, report available data collected

1 and calculated in accordance with this chapter and applicable  
2 regulations, regardless of the purpose for which the data was  
3 collected. If the required data is unavailable, the institution shall  
4 also disclose the unavailability of the data on all documents  
5 required by this chapter and regulations adopted pursuant to this  
6 chapter. Upon receiving an approval to operate pursuant to this  
7 section, an institution shall commence to collect and calculate all  
8 information necessary to comply with Article 16 (commencing  
9 with Section 94928).

10 (B) An institution receiving an approval to operate pursuant to  
11 this section shall provide to prospective students the School  
12 Performance Fact Sheet, file that fact sheet with the bureau, and  
13 post it on the institution's ~~Internet Web site~~ *internet website* no  
14 later than the first August 1 after the institution is approved to  
15 operate and no later than August 1 of each year thereafter. These  
16 School Performance Fact Sheets shall report data for the previous  
17 two calendar years based upon the number of students who began  
18 the program or the number of graduates for each reported calendar  
19 year. If two calendar years have not passed since the issuance of  
20 the approval to operate by the August 1 deadline for the School  
21 Performance Fact Sheet, unless data for two years is available, the  
22 institution shall report the required data for the period subsequent  
23 to the date of the issuance of the notice of approval.

24 (b) An institution exempt from all or part of this chapter pursuant  
25 to subdivision (i) of Section 94874 or Section 94874.1 that was  
26 approved to operate by the bureau before the effective date of this  
27 section shall be deemed to have been approved pursuant to this  
28 section.

29 SEC. 85. Section 94874.9 of the Education Code is amended  
30 to read:

31 94874.9. (a) An independent institution of higher education,  
32 as defined in Section 66010, that is exempt from this chapter  
33 pursuant to subdivision (i) of Section 94874 shall comply with all  
34 applicable state and federal laws, including laws relating to fraud,  
35 abuse, and false advertising.

36 (b) An institution described in subdivision (a) may execute a  
37 contract with the bureau for the bureau to review and, as  
38 appropriate, act on complaints concerning the institution, in  
39 accordance with Section 600.9 of Title 34 of the Code of Federal  
40 Regulations.

1 (c) The execution of a contract by the bureau with an institution  
2 pursuant to subdivision (b) shall constitute establishment by the  
3 state of that institution to offer programs beyond secondary  
4 education, including programs leading to a degree or certificate,  
5 in accordance with Section 600.9 of Title 34 of the Code of Federal  
6 Regulations.

7 (d) The bureau shall use a standard form contract for purposes  
8 of this section.

9 (e) A contract executed pursuant to this section shall, at a  
10 minimum, do all of the following:

11 (1) Require an institution to do all of the following:

12 (A) Cooperate with the bureau to resolve complaints received  
13 pursuant to this section.

14 (B) Provide the following disclosure notice in all written and  
15 ~~Internet-based~~ *internet-based* documentation in which the  
16 institution's complaint process is described, including the student  
17 catalog, student handbook, and the institution's ~~Internet Web site:~~  
18 *internet website*:

19  
20 "An individual may contact the Bureau for Private Postsecondary  
21 Education for review of a complaint. The bureau may be contacted  
22 at (address), Sacramento, CA (ZIP Code), ~~(Internet Web site~~  
23 ~~address)~~; (*internet website address*), (telephone and fax numbers)."  
24

25 (C) Designate a person at the institution to act as a liaison to  
26 the bureau.

27 (D) Pay one thousand seventy-six dollars (\$1,076) each year  
28 for costs incurred by the bureau to perform activities pursuant to  
29 the contract, unless another amount is determined by the bureau.

30 (2) (A) Authorize the bureau, for any complaint it receives,  
31 including any complaints related to the institution's policies or  
32 procedures, or both, as determined by the bureau, to refer the  
33 complaint to the institution, an accrediting agency, or another  
34 appropriate entity for resolution.

35 (B) The bureau shall notify the complainant and the institution  
36 of a referral.

37 (C) This paragraph shall not be construed to relieve the bureau  
38 of its responsibility to ensure that a complaint it has referred for  
39 purposes of resolution is resolved by the receiving entity.

1 (f) The bureau may terminate a contract executed pursuant to  
2 this section if an institution is no longer an independent institution  
3 of higher education as defined in Section 66010 or fails to comply  
4 with the provisions of the contract.

5 (g) All moneys collected by the bureau that relate to a contract  
6 executed pursuant to this section, including payments collected in  
7 accordance with subparagraph (D) of paragraph (1) of subdivision  
8 (e), shall be deposited in the Private Postsecondary Education  
9 Administration Fund.

10 (h) The bureau shall maintain, on its ~~Internet Web site~~, *internet*  
11 *website*, both of the following:

12 (1) The provisions of the standard form contract used for  
13 purposes of this section.

14 (2) A list of institutions with which the bureau has executed a  
15 contract pursuant to this section.

16 (i) On or before February 1, 2017, and each year thereafter, the  
17 bureau shall report to the Director of Finance and, in conformity  
18 with Section 9795 of the Government Code, to the Legislature  
19 regarding implementation of this section. The report shall include  
20 all of the following information:

21 (1) A list of institutions with which the bureau has executed a  
22 contract pursuant to this section.

23 (2) The total number of complaints received by the bureau  
24 relating to institutions listed in paragraph (1).

25 (3) The general nature of those complaints.

26 (4) The total number of those complaints referred to another  
27 entity, disaggregated by the entity to which each complaint was  
28 referred.

29 (5) The total number of complaints resolved, disaggregated by  
30 the entity that resolved each complaint.

31 (6) The total number of complaints pending, disaggregated by  
32 the entity to which each complaint was referred.

33 (j) Notwithstanding any other law, the Department of General  
34 Services, at the request of the bureau, may exempt contracts  
35 executed pursuant to this section from any laws, rules, resolutions,  
36 or procedures that are otherwise applicable to public contracts that  
37 the Department of General Services administers.

38 SEC. 86. Section 94878 of the Education Code is amended to  
39 read:

1 94878. (a) The bureau shall establish an ~~Internet Web site~~  
2 *internet website* that includes at least all of the following  
3 information:

4 (1) An explanation of the bureau's scope of authority.

5 (2) (A) A directory of approved institutions, and a link, if  
6 feasible, to the ~~Internet Web site~~ *internet website* of each  
7 institution.

8 (B) For each institution, the directory shall be developed in a  
9 manner that allows the user to search by institution and shall  
10 include all of the following information:

11 (i) The status of the institution's approval to operate.

12 (ii) The information provided by the institutions, including, but  
13 not limited to, the annual report, as required by Section 94934,  
14 including the school catalog and the School Performance Fact  
15 Sheet. The School Performance Fact Sheet shall be maintained on  
16 the directory for at least five years after the date of its submission  
17 to the bureau.

18 (iii) If a law school satisfies the requirements of this chapter  
19 regarding a School Performance Fact Sheet by complying with  
20 the requirements of Section 94910.5, the bureau shall include the  
21 information provided by the institution pursuant to Section 94910.5  
22 on its ~~Internet Web site~~ *internet website* and shall maintain the  
23 information in the same manner as required by clause (ii).

24 (iv) The disciplinary history of the institution, which shall  
25 include, but shall not be limited to, all of the following:

26 (I) Pending formal accusations filed by the bureau.

27 (II) Suspensions, revocations, citations, fines, infractions,  
28 probations, pending litigation filed by the bureau, and final  
29 judgments resulting from litigation filed by the bureau.

30 (III) Pending or final civil or criminal cases filed by the Attorney  
31 General, a city attorney, or a district attorney in this state, or filed  
32 in any state by an attorney general or a federal regulatory or  
33 prosecutorial agency of which the bureau has received notice.

34 (IV) Final administrative actions by the United States  
35 Department of Education, including orders requiring restitution to  
36 students.

37 (V) All disciplinary actions ordered by an accreditation agency,  
38 including any order to show cause, of which the bureau has  
39 received notice pursuant to Section 94934 or other information

1 otherwise publicly available of which the bureau has received  
2 notice.

3 (b) The bureau shall maintain the ~~Internet Web site~~ *internet*  
4 *website* described in subdivision (a). The bureau shall ensure that  
5 the information specified in subdivision (a) is kept current. The  
6 bureau shall update the ~~Internet Web site~~ *internet website* at least  
7 annually, to coincide with the submission of annual reports by the  
8 institutions pursuant to Section 94934.

9 (c) (1) The bureau shall post on its ~~Internet Web site~~ *internet*  
10 *website* a list of all institutions that were denied approval to operate,  
11 after the denial is final, and describe in clear and conspicuous  
12 language the reason the institution was denied approval. The bureau  
13 shall include with this list the statement provided in paragraph (2)  
14 on its ~~Internet Web site~~: *internet website*:

15 (2) “The following institutions were denied approval to operate  
16 by the Bureau for Private Postsecondary Education for failing to  
17 satisfy the standards relating to educational quality, or consumer  
18 protection, or both. These unlicensed institutions are not operating  
19 in compliance with the law, and students are strongly discouraged  
20 from attending these institutions.”

21 SEC. 87. Section 94897 of the Education Code is amended to  
22 read:

23 94897. An institution shall not do any of the following:

24 (a) Use, or allow the use of, any reproduction or facsimile of  
25 the Great Seal of the State of California on a diploma.

26 (b) Promise or guarantee employment, or otherwise overstate  
27 the availability of jobs upon graduation.

28 (c) Advertise concerning job availability, degree of skill, or  
29 length of time required to learn a trade or skill unless the  
30 information is accurate and not misleading.

31 (d) Advertise, or indicate in promotional material, without  
32 including the fact that the educational programs are delivered by  
33 means of distance education if the educational programs are so  
34 delivered.

35 (e) Advertise, or indicate in promotional material, that the  
36 institution is accredited, unless the institution has been accredited  
37 by an accrediting agency.

38 (f) Solicit students for enrollment by causing an advertisement  
39 to be published in “help wanted” columns in a magazine,

1 newspaper, or publication, or use “blind” advertising that fails to  
2 identify the institution.

3 (g) Offer to compensate a student to act as an agent of the  
4 institution with regard to the solicitation, referral, or recruitment  
5 of any person for enrollment in the institution, except that an  
6 institution may award a token gift to a student for referring an  
7 individual, provided that the gift is not in the form of money, no  
8 more than one gift is provided annually to a student, and the gift’s  
9 cost is not more than one hundred dollars (\$100).

10 (h) Pay any consideration to a person to induce that person to  
11 sign an enrollment agreement for an educational program.

12 (i) Use a name in any manner improperly implying any of the  
13 following:

14 (1) The institution is affiliated with any government agency,  
15 public or private corporation, agency, or association if it is not, in  
16 fact, thus affiliated.

17 (2) The institution is a public institution.

18 (3) The institution grants degrees, if the institution does not  
19 grant degrees.

20 (j) In any manner make an untrue or misleading change in, or  
21 untrue or misleading statement related to, a test score, grade or  
22 record of grades, attendance record, record indicating student  
23 completion, placement, employment, salaries, or financial  
24 information, including any of the following:

25 (1) A financial report filed with the bureau.

26 (2) Information or records relating to the student’s eligibility  
27 for student financial aid at the institution.

28 (3) Any other record or document required by this chapter or  
29 by the bureau.

30 (k) Willfully falsify, destroy, or conceal any document of record  
31 while that document of record is required to be maintained by this  
32 chapter.

33 (l) Use the terms “approval,” “approved,” “approval to operate,”  
34 or “approved to operate” without stating clearly and conspicuously  
35 that approval to operate means compliance with state standards as  
36 set forth in this chapter. ~~If the bureau has granted an institution~~  
37 ~~approval to operate, the institution may indicate that the institution~~  
38 ~~is “licensed” or “licensed to operate,” but~~ *An institution* may not  
39 state or imply either of the following:



1 (1) The institution or its educational programs are endorsed or  
2 recommended by the state or by the bureau.

3 (2) The approval to operate indicates that the institution exceeds  
4 minimum state standards as set forth in this chapter.

5 (m) Direct any individual to perform an act that violates this  
6 chapter, to refrain from reporting unlawful conduct to the bureau  
7 or another government agency, or to engage in any unfair act to  
8 persuade a student not to complain to the bureau or another  
9 government agency.

10 (n) Compensate an employee involved in recruitment,  
11 enrollment, admissions, student attendance, or sales of educational  
12 materials to students on the basis of a commission, commission  
13 draw, bonus, quota, or other similar method related to the  
14 recruitment, enrollment, admissions, student attendance, or sales  
15 of educational materials to students, except as provided in  
16 paragraph (1) or (2):

17 (1) If the educational program is scheduled to be completed in  
18 90 days or less, the institution shall pay compensation related to  
19 a particular student only if that student completes the educational  
20 program.

21 (2) For institutions participating in the federal student financial  
22 aid programs, this subdivision shall not prevent the payment of  
23 compensation to those involved in recruitment, admissions, or the  
24 award of financial aid if those payments are in conformity with  
25 federal regulations governing an institution's participation in the  
26 federal student financial aid programs.

27 (o) Require a prospective student to provide personal contact  
28 information in order to obtain, from the institution's internet  
29 website, educational program information that is required to be  
30 contained in the school catalog or any information required  
31 pursuant to the consumer information requirements of Title IV of  
32 the federal Higher Education Act of 1965, and any amendments  
33 thereto.

34 (p) Offer an associate, baccalaureate, master's, or doctoral  
35 degree without disclosing to prospective students before enrollment  
36 whether the institution or the degree program is unaccredited and  
37 any known limitation of the degree, including, but not limited to,  
38 all of the following:

1 (1) Whether a graduate of the degree program will be eligible  
2 to sit for the applicable licensure exam in California and other  
3 states.

4 (2) A statement that reads: “A degree program that is  
5 unaccredited or a degree from an unaccredited institution is not  
6 recognized for some employment positions, including, but not  
7 limited to, positions with the State of California.”

8 (3) That a student enrolled in an unaccredited institution is not  
9 eligible for federal financial aid programs.

10 (q) In any manner commit fraud against, or make a material  
11 untrue or misleading statement to, a student or prospective student  
12 under the institution’s authority or the pretense or appearance of  
13 the institution’s authority.

14 (r) Charge or collect any payment for institutional charges that  
15 are not authorized by an executed enrollment agreement.

16 (s) Violate Section 1788.93 of the Civil Code.

17 (t) Require a prospective, current, or former student or employee  
18 to sign a nondisclosure agreement pertaining to their relationship  
19 to, or experience with, the institution, except that an institution  
20 may use a nondisclosure agreement to protect the institution’s  
21 intellectual property and trade secrets. Any nondisclosure  
22 agreement in violation of this section is void and not enforceable  
23 at law or in equity.

24 (u) Fail to maintain policies related to compliance with this  
25 chapter or adhere to the institution’s stated policies.

26 SEC. 88. Section 94902 of the Education Code is amended to  
27 read:

28 94902. (a) A student shall enroll solely by means of executing  
29 an enrollment agreement. The enrollment agreement shall be signed  
30 by the student and by an authorized employee of the institution.

31 (b) An enrollment agreement is not enforceable unless all of  
32 the following requirements are met:

33 (1) The student has received the institution’s catalog and School  
34 Performance Fact Sheet prior to signing the enrollment agreement.

35 (2) At the time of the execution of the enrollment agreement,  
36 the institution held a valid approval to operate.

37 (3) Prior to the execution of the enrollment agreement, the  
38 student and the institution have signed and dated the information  
39 required to be disclosed in the ~~Student~~ *School* Performance Fact  
40 Sheet pursuant to subdivisions (a) to (d), inclusive, of Section

1 94910. Each of these items in the ~~Student~~ *School* Performance  
2 Fact Sheet shall include a line for the student to initial and shall  
3 be initialed and dated by the student.

4 (c) A student shall receive a copy of the signed enrollment  
5 agreement, in writing or electronically, regardless of whether total  
6 charges are paid by the student.

7 SEC. 89. Section 94905 of the Education Code is amended to  
8 read:

9 94905. (a) During the enrollment process, an institution  
10 offering educational programs designed to lead to positions in a  
11 profession, occupation, trade, or career field requiring licensure  
12 in this state shall exercise reasonable care to determine if the  
13 student will not be eligible to obtain licensure in the profession,  
14 occupation, trade, or career field at the time of the student's  
15 graduation and shall provide all students enrolled in those programs  
16 with a written copy of the requirements for licensure established  
17 by the state, including any applicable course requirements  
18 established by the state. ~~ff~~

19 (1) *If* the minimum course requirements of the institution exceed  
20 the minimum requirements for state licensure, the institution shall  
21 disclose this information, including a list of those courses that are  
22 not required for state licensure. ~~The~~

23 (2) *The* institution shall not execute an enrollment agreement  
24 with a student that is known to be ineligible for licensure, unless  
25 the student's stated objective is other than licensure.

26 (b) During the enrollment process, an institution may discuss  
27 internships and student jobs available to the student during the  
28 student's attendance at the institution. If the institution discusses  
29 internships and student jobs, the institution shall disclose the  
30 number of requests for internship and student job placement  
31 assistance received by the institution during the immediately  
32 preceding calendar year and the number of actual placements  
33 during that year.

34 (c) During the enrollment process, an institution offering  
35 educational programs designed to lead to positions in a profession,  
36 occupation, trade, or career field where voluntary licensure by a  
37 government agency is available, shall provide its students seeking  
38 to enroll in those programs with a written copy of the requirements  
39 for that voluntary licensure.

1 SEC. 90. Section 94910 of the Education Code is amended to  
2 read:

3 94910. Except as provided in subdivision (d) of Section 94909  
4 and Section 94910.5, prior to enrollment, an institution shall  
5 provide a prospective student with a School Performance Fact  
6 Sheet containing, at a minimum, the following information, as it  
7 relates to the educational program:

8 (a) Completion rates, as calculated pursuant to Article 16  
9 (commencing with Section 94928).

10 (b) Placement rates for each educational program, as calculated  
11 pursuant to Article 16 (commencing with Section 94928), if the  
12 educational program is designed to lead to, or the institution makes  
13 any express or implied claim related to preparing students for, a  
14 recognized career, occupation, vocation, job, or job title.

15 (c) License examination passage rates for programs leading to  
16 employment for which passage of a state licensing examination is  
17 required, as calculated pursuant to Article 16 (commencing with  
18 Section 94928).

19 (d) Salary or wage information, as calculated pursuant to Article  
20 16 (commencing with Section 94928).

21 (e) If a program is too new to provide data for any of the  
22 categories listed in this subdivision, the institution shall state on  
23 its fact sheet: "This program is new. Therefore, the number of  
24 students who graduate, the number of students who are placed, or  
25 the starting salary you can earn after finishing the educational  
26 program are unknown at this time. Information regarding general  
27 salary and placement statistics may be available from government  
28 sources or from the institution, but is not equivalent to actual  
29 performance data."

30 (f) All of the following:

31 (1) A description of the manner in which the figures described  
32 in subdivisions (a) to (d), inclusive, are calculated or a statement  
33 informing the reader of where ~~he or she~~ *they* may obtain a  
34 description of the manner in which the figures described in  
35 subdivisions (a) to (d), inclusive, are calculated.

36 (2) A statement informing the reader of where ~~he or she~~ *they*  
37 may obtain from the institution a list of the employment positions  
38 determined to be within the field for which a student received  
39 education and training for the calculation of job placement rates  
40 as required by subdivision (b).

1 (3) A statement informing the reader of where ~~he or she~~ *they*  
2 may obtain from the institution a list of the objective sources of  
3 information used to substantiate the salary disclosure as required  
4 by subdivision (d).

5 (g) The following statements:

6 (1) “This fact sheet is filed with the Bureau for Private  
7 Postsecondary Education. Regardless of any information you may  
8 have relating to completion rates, placement rates, starting salaries,  
9 or license exam passage rates, this fact sheet contains the  
10 information as calculated pursuant to state law.”

11 (2) “Any questions a student may have regarding this fact sheet  
12 that have not been satisfactorily answered by the institution may  
13 be directed to the Bureau for Private Postsecondary Education at  
14 (address), Sacramento, CA (ZIP Code), ~~(Internet Web site address);~~  
15 (*internet website*), (telephone and fax numbers).”

16 (h) If the institution participates in federal financial aid  
17 programs, the most recent three-year cohort default rate reported  
18 by the United States Department of Education for the institution  
19 and the percentage of enrolled students receiving federal student  
20 loans.

21 (i) Data and information disclosed pursuant to subdivisions (a)  
22 to (d), inclusive, is not required to include students who satisfy  
23 the qualifications specified in subdivision (d) of Section 94909,  
24 but an institution shall disclose whether the data, information, or  
25 both provided in its fact sheet excludes students pursuant to this  
26 subdivision. An institution shall not actively use data specific to  
27 the fact sheet in its recruitment materials or other recruitment  
28 efforts of students who are not California residents and do not  
29 reside in California at the time of their enrollment.

30 SEC. 91. Section 94910.5 of the Education Code is amended  
31 to read:

32 94910.5. (a) Notwithstanding any other law, a law school that  
33 meets the criteria of subdivision (b) shall be deemed to satisfy the  
34 requirements of this chapter regarding a School Performance Fact  
35 Sheet by doing all of the following:

36 (1) Complying with Standard 509 of the American Bar  
37 Association’s Standards and Rules of Procedure for Approval of  
38 Law Schools, as that standard may be amended.

39 (2) Providing completion rates of students and placement rates,  
40 bar passage rates, and salary and wage information of graduates

1 to prospective students prior to enrollment through the law school  
2 application process administered by the Law School Admission  
3 Council.

4 (3) (A) Providing to prospective students any additional  
5 information required to be reported on a School Performance Fact  
6 Sheet that is not reported pursuant to paragraphs (1) and (2),  
7 including, but not limited to, the most recent three-year cohort  
8 default rate reported by the United States Department of Education  
9 for the law school and the percentage of enrolled students receiving  
10 federal student loans.

11 (B) If the law school's three-year cohort default rate reported  
12 by the United States Department of Education is aggregated with  
13 the three-year cohort default rate of an institution to which the law  
14 school belongs, then the law school shall provide to prospective  
15 students the law school's three-year cohort default rate  
16 disaggregated from the institution's three-year cohort default rate.

17 (C) The law school shall, at a minimum, provide the information  
18 described in this paragraph to prospective students by clearly  
19 posting the information in a conspicuous location on the law  
20 school's ~~Internet Web site~~: *internet website*.

21 (4) Annually providing the information required to be disclosed  
22 pursuant to this subdivision to the bureau.

23 (b) Subdivision (a) shall apply to a law school that meets all of  
24 the following criteria:

25 (1) The law school is accredited by the Council of the Section  
26 of Legal Education and Admissions to the Bar of the American  
27 Bar Association.

28 (2) The law school is owned by an institution authorized to  
29 operate by the bureau.

30 (3) The law school reports graduate salary information and other  
31 information to the National Association for Law Placement.

32 (4) The law school is approved to operate by the bureau pursuant  
33 to Section 94874.8.

34 SEC. 92. Section 94911 of the Education Code is amended to  
35 read:

36 94911. An enrollment agreement shall include, at a minimum,  
37 all of the following:

38 (a) The name of the institution and the name of the educational  
39 program, including the total number of credit hours, clock hours,  
40 or other increment required to complete the educational program.

1 (b) A schedule of total charges, including a list of any charges  
2 that are nonrefundable and the student's obligations to the Student  
3 Tuition Recovery Fund, clearly identified as nonrefundable  
4 charges.

5 (c) In underlined capital letters on the same page of the  
6 enrollment agreement in which the student's signature is required,  
7 ~~the total charges for the current period of attendance, the estimated~~  
8 ~~total charges for the entire educational program, and the total~~  
9 ~~charges the student is obligated to pay upon enrollment. "THE~~  
10 ~~TOTAL CHARGES FOR THE CURRENT PERIOD OF~~  
11 ~~ATTENDANCE," "THE ESTIMATED TOTAL CHARGES FOR~~  
12 ~~THE ENTIRE EDUCATIONAL PROGRAM," and "THE TOTAL~~  
13 ~~CHARGES THE STUDENT IS OBLIGATED TO PAY UPON~~  
14 ~~ENROLLMENT," followed by the relevant amounts of charges in~~  
15 ~~bold, underlined type.~~

16 (d) A clear and conspicuous statement that the enrollment  
17 agreement is legally binding when signed by the student and  
18 accepted by the institution.

19 (e) (1) A disclosure with a clear and conspicuous caption,  
20 "STUDENT'S RIGHT TO CANCEL," under which it is explained  
21 that the student has the right to cancel the enrollment agreement  
22 and obtain a refund of charges paid through attendance at the first  
23 class session, or the seventh day after enrollment, whichever is  
24 later.

25 (2) The disclosure shall contain the institution's refund policy  
26 and a statement that, if the student has received federal student  
27 financial aid funds, the student is entitled to a refund of moneys  
28 not paid from federal student financial aid program funds.

29 (3) The text shall also include a description of the procedures  
30 that a student is required to follow to cancel the enrollment  
31 agreement or withdraw from the institution and obtain a refund.

32 (f) A statement specifying that, if the student obtains a loan to  
33 pay for an educational program, the student will have the  
34 responsibility to repay the full amount of the loan plus interest,  
35 less the amount of any refund.

36 (g) A statement specifying that, if the student is eligible for a  
37 loan guaranteed by the federal or state government and the student  
38 defaults on the loan, both of the following may occur:

39 (1) The federal or state government or a loan guarantee agency  
40 may take action against the student, including applying any income

1 tax refund to which the person is entitled to reduce the balance  
2 owed on the loan.

3 (2) The student may not be eligible for any other federal student  
4 financial aid at another institution or other government assistance  
5 until the loan is repaid.

6 (h) The transferability disclosure that is required to be included  
7 in the school catalog, as specified in paragraph (15) of subdivision  
8 (a) of Section 94909.

9 (i) (1) The following statement: “Prior to signing this enrollment  
10 agreement, you must be given a catalog or brochure and a School  
11 Performance Fact Sheet, which you are encouraged to review prior  
12 to signing this agreement. These documents contain important  
13 policies and performance data for this institution. This institution  
14 is required to have you sign and date the information included in  
15 the School Performance Fact Sheet relating to completion rates,  
16 placement rates, license examination passage rates, salaries or  
17 wages, and the most recent three-year cohort default rate, if  
18 applicable, prior to signing this agreement.”

19 (2) Immediately following the statement required by paragraph  
20 (1), a line for the student to initial, including the following  
21 statement: “I certify that I have received the catalog, School  
22 Performance Fact Sheet, and information regarding completion  
23 rates, placement rates, license examination passage rates, salary  
24 or wage information, and the most recent three-year cohort default  
25 rate, if applicable, included in the School Performance Fact sheet,  
26 and have signed, initialed, and dated the information provided in  
27 the School Performance Fact Sheet.”

28 (j) The following statements:

29

30 (1) “Any questions a student may have regarding this  
31 enrollment agreement that have not been satisfactorily  
32 answered by the institution may be directed to the Bureau for  
33 Private Postsecondary Education at (address), Sacramento,  
34 CA (ZIP Code), ~~(Internet Web site~~ (*internet website* address),  
35 (telephone and fax numbers).”

36

37 (2) “A student or any member of the public may file a complaint  
38 about this institution with the Bureau for Private Postsecondary  
39 Education by calling (toll-free telephone number) or by completing  
40 a complaint form, which can be obtained on the bureau’s ~~Internet~~



1 ~~Web site (Internet Web site address).”~~ *internet website (internet*  
2 *website address).*”

3  
4 (k) The following statement above the space for the student’s  
5 signature:

6  
7 “I understand that this is a legally binding contract. My  
8 signature below certifies that I have read, understood, and  
9 agreed to my rights and responsibilities, and that the  
10 institution’s cancellation and refund policies have been clearly  
11 explained to me.”

12  
13 SEC. 93. Section 94913 of the Education Code is amended to  
14 read:

15 94913. (a) An institution that maintains an ~~Internet Web site~~  
16 *internet website* shall provide on that ~~Internet Web site~~ *internet*  
17 *website* all of the following:

- 18 (1) The school catalog.  
19 (2) A School Performance Fact Sheet for each educational  
20 program offered by the institution.  
21 (3) Student brochures offered by the institution.  
22 (4) A link to the bureau’s ~~Internet Web site~~ *internet website*.  
23 (5) The institution’s most recent annual report submitted to the  
24 bureau.

25 (b) An institution shall include information concerning where  
26 students may access the bureau’s ~~Internet Web site~~ *internet website*  
27 anywhere the institution identifies itself as being approved by the  
28 bureau.

29 SEC. 94. Section 94941 of the Education Code is amended to  
30 read:

31 94941. (a) An individual who has cause to believe that an  
32 institution has violated this chapter, or regulations adopted pursuant  
33 to this chapter, may file a complaint with the bureau against the  
34 institution. The complaint shall set forth the alleged violation, and  
35 shall contain any other information as may be required by the  
36 bureau.

37 (b) To ensure that the bureau’s resources are maximized for the  
38 protection of the public, the bureau, in consultation with the  
39 advisory committee, shall establish priorities for its inspections  
40 and other investigative and enforcement resources to ensure that

1 institutions representing the greatest threat of harm to the greatest  
2 number of students are identified and disciplined by the bureau or  
3 referred to the Attorney General.

4 (c) In developing its priorities for inspection, investigation, and  
5 enforcement regarding institutions, the bureau shall consider as  
6 posing heightened risks the characteristics of the following  
7 institutions:

8 (1) An institution that receives significant public resources,  
9 including an institution that receives more than 70 percent of its  
10 revenues from federal financial aid, state financial aid, financial  
11 aid for veterans, and other public student aid funds.

12 (2) An institution with a large number of students defaulting on  
13 their federal loans, including an institution with a three-year cohort  
14 default rate above 15.5 percent.

15 (3) An institution with reported placement rates, completion  
16 rates, or licensure rates in an educational program that are far  
17 higher or lower than comparable educational institutions or  
18 programs.

19 (4) An institution that experiences a dramatic increase in  
20 enrollment, recently expanded educational programs or campuses,  
21 or recently consolidated campuses.

22 (5) An institution that offers only nonremedial educational  
23 program courses in English, but enrolls students with limited or  
24 no English language proficiency.

25 (6) An institution that has experienced a recent change of  
26 ownership or control, or a change in the business organization of  
27 the institution.

28 (7) An institution with audited financial statements that do not  
29 satisfy the bureau's requirements for financial stability.

30 (8) An institution that has recently been the subject of an  
31 investigation, judgment, or regulatory action by, or a settlement  
32 with, a governmental agency.

33 (9) An institution that experiences institutional or programmatic  
34 accreditation restriction by an accreditor, government restriction  
35 of, or injunction against, its approval to operate, or placement on  
36 cash-reimbursement or heightened monitoring status by the United  
37 States Department of Education.

38 (d) The bureau shall indicate in an annual report, to be made  
39 publicly available on its ~~Internet Web site~~, *internet website*, the  
40 number of temporary restraining orders, interim suspension orders,

1 and disciplinary actions taken by the bureau, disaggregated by  
2 each priority category established pursuant to subdivision (b).

3 (e) The bureau shall, in consultation with the advisory  
4 committee, adopt regulations to establish categories of complaints  
5 or cases that are to be handled on a priority basis. The priority  
6 complaints or cases shall include, but not be limited to, those  
7 alleging unlawful, unfair or fraudulent business acts or practices,  
8 including unfair, deceptive, untrue, or misleading statements,  
9 including all statements made or required to be made pursuant to  
10 the requirements of this chapter, related to any of the following:

11 (1) Degrees, educational programs, or internships offered, the  
12 appropriateness of available equipment for a program, or the  
13 qualifications or experience of instructors.

14 (2) Job placement, graduation, time to complete an educational  
15 program, or educational program or graduation requirements.

16 (3) Loan eligibility, terms, whether the loan is federal or private,  
17 or default or forbearance rates.

18 (4) Passage rates on licensing or certification examinations or  
19 whether an institution's degrees or educational programs provide  
20 students with the necessary qualifications to take these exams and  
21 qualify for professional licenses or certifications.

22 (5) Cost of an educational program, including fees and other  
23 nontuition charges.

24 (6) Affiliation with or endorsement by any government agency,  
25 or by any organization or agency related to the Armed Forces,  
26 including, but not limited to, groups representing veterans.

27 (7) Terms of withdrawal and refunds from an institution.

28 (8) Payment of bonuses, commissions, or other incentives  
29 offered by an institution to its employees or contractors.

30 SEC. 95. Section 94942 of the Education Code is amended to  
31 read:

32 94942. (a) The bureau shall establish a toll-free telephone  
33 number staffed by a bureau employee by which a student or a  
34 member of the public may file a complaint under this chapter.

35 (b) The bureau shall make a complaint form available on its  
36 ~~Internet Web site.~~ *internet website*. The bureau shall permit  
37 students and members of the public to file a complaint under this  
38 chapter through the bureau's ~~Internet Web site.~~ *internet website*.

39 SEC. 96. Section 94949.73 of the Education Code is amended  
40 to read:

1 94949.73. (a) The office shall provide individualized assistance  
2 to students to relieve or mitigate the economic and educational  
3 opportunity loss incurred by those students who attended a  
4 Corinthian Colleges, Inc., institution or other eligible institution.

5 (b) Specific services provided by the office shall include all of  
6 the following:

7 (1) Outreach and education to students regarding the assistance  
8 available from the office.

9 (2) Screening requests for assistance received by the office and  
10 providing individualized assistance to help students determine  
11 their relief eligibility, identify and obtain necessary documents,  
12 complete and submit applications, and provide additional services  
13 as necessary.

14 (c) For purposes of this section, “other eligible institution”  
15 means an institution identified by the office whose unlawful  
16 activities or closure has resulted in its students being eligible for  
17 repayment from the Student Tuition Recovery Fund, debt relief  
18 from the United States Department of Education, or other student  
19 financial aid relief.

20 (d) (1) The office shall quarterly report by posting on the  
21 bureau’s ~~Internet Web site~~, *internet website*, through September  
22 1, 2018, on all of the following:

23 (A) A summary of the outreach and education activities  
24 conducted by the office pursuant to the requirements of paragraph  
25 (1) of subdivision (b) and the number of students served from  
26 Corinthian Colleges, Inc., institutions and every other eligible  
27 institution.

28 (B) A detailed summary of services provided to those students,  
29 as follows:

30 (i) The number of students assisted with submitting Student  
31 Tuition Recovery Fund claims to the bureau by the office, and of  
32 the claims submitted, the number that are pending, on appeal, or  
33 have been approved or denied. For the claims that have been  
34 approved, the office shall report the amount of student loans  
35 canceled, the total of student loans paid off, the total amount of  
36 cash reimbursed to students, and the total amount of educational  
37 credit granted.

38 (ii) The number of students assisted with submitting federal  
39 loan forgiveness claims, and of the claims submitted, the number  
40 of those claims that are pending, on appeal, or have been approved

1 or denied. For the claims that have been approved, the office shall  
2 report the estimated total in student loans canceled and the total  
3 amount of funds refunded to students.

4 (iii) The number of students assisted with private student loan  
5 relief, other than through Student Tuition Recovery Fund claims,  
6 and a summary of assistance provided and relief outcomes  
7 obtained.

8 (iv) The number of students whom the office helped to obtain  
9 income-dependent repayment plans on their federal loans, and of  
10 those students, the number of students helped out of default on the  
11 federal loans through consolidation or rehabilitation.

12 (2) The office shall provide, pursuant to Section 9795 of the  
13 Government Code, the Legislature, the department, and the bureau  
14 a final report summarizing the information submitted pursuant to  
15 paragraph (1) by January 1, 2019.

O

## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(a)(3) Board Sponsored Legislation-Patient Privilege: Business and Professions Code Section 2918

### **Background**

The Board of Psychology's (Board) investigations of licensee misconduct often require obtaining psychotherapy records, which an expert then reviews to opine on potential misconduct.

If the Board has an investigation in which a client's psychotherapy records are relevant, it may request to review the records. As is their right, patients may agree or object to the Board's request for a release. If the client objects, the Board's only recourse for obtaining the records is to formally request them with a subpoena duces tecum (also known as a subpoena for the production of evidence), and then obtain a civil court order enforcing the subpoena (there is no means to enforce such subpoenas through the Office of Administrative Hearings—a civil order from a superior court is required).

As a solution to this dead-end to enforcement of the Board's investigatory subpoenas, the Board proposed creating an exception to the psychotherapy-client privilege for Board investigations. In 1980, the Medical Board enacted such an exception to the physician-patient privilege, on which it relies to overcome patient objections to obtaining medical records relevant to its investigations. As a result of this exception, codified in the Medical Board's statute.

In September 2020, the Board of Psychology Enforcement Committee recommended changes to the Business and Professions Code as well as the Evidence Code to the Board of Psychology.

In May 2021, the Board approved an exception to the psychotherapist-client privilege set forth in Evidence Code, sections 1010-1015, and Business and Professions Code, section 2918, authorizing the Board to obtain psychotherapy records, where such records are needed in an investigation.

Proposed language was presented to members of both the Senate and Assembly Business and Professions Committees between January and February. No Members expressed an interest in authoring the bill by the February 17th deadline. The Board will try again in 2024 to find an author for this proposal.

**Action Requested**

This item is for informational purposes only. There is no action required at this time.

## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(b)(1) AB 282 (Aguiar-Curry) Psychologists: Licensure

### **Background**

The bill would revise section 2914 of the Business and Professions Code (BPC) by adding language to allow applicants seeking licensure to be eligible to take the required licensure exams, which include the Examination for Professional Practice in Psychology (EPPP) and the California Psychology Law and Ethics Examination (CPLEE), at any time after all academic coursework required for a qualifying doctoral degree is completed.

In addition, the bill would require the Board of Psychology to revise CCR 1388 and CCR 1388(c) to remove the requirements of completing the qualified supervised professional experience (SPE) hours to be eligible to take the licensure exams.

On March 21, 2023 the bill was amended to add the phrase “academic coursework” and provided that “academic coursework” does not include participation in an internship or writing a dissertation or thesis.

### **Action Requested**

Board staff recommends Board Members review bill analysis and amended bill language and consider a position.

Attachment 1: Assembly Bill 282 bill analysis

Attachment 2: Assembly Bill 282 amended bill text



## 2023 Bill Analysis

<b>Author:</b> Assembly Member Aguiar-Curry	<b>Bill Number:</b> AB 282	<b>Related Bills:</b>
<b>Sponsor:</b> California Psychological Association (CPA)	<b>Version:</b> Introduced	
<b>Subject:</b> Psychologist: Applicants: Licensure Exams		

### SUMMARY

This bill would allow applicants who are applying for psychology licensure in California to take required examinations at any time after completing all academic coursework, not including participation in an internship, or writing a dissertation or thesis for a qualifying doctoral degree. The bill would delete the requirement of completing the required hours of supervised professional experience (SPE) either gained pre or post-doctorally to be eligible to take the licensure exams. In addition, the bill would require revisions the California Code of Regulations (CCR).

### RECOMMENDATION

**FOR DISCUSSION** – Staff recommend the Board discuss AB 282 and consider taking a position.

#### *Summary of Suggested Amendments*

None on file.

### REASON FOR THE BILL

Per the sponsor: “the intent of this legislation is to streamline the licensure process to reduce burdensome wait times for applicants and to improve access to care. It could also reduce the workload for the licensing staff at the BOP”

In addition, the sponsor states, the California Psychological Association (CPA) conducted a member survey in 2022, that concluded that significant wait times are each step of the psychology licensing process resulted in financial burden for applicants due to the loss of income opportunities, and delayed consumers access to care. The member survey also concluded that each step of the licensure process took approximately 2-4 months to process, and for a total of 1-year processing time to become licensed. 60% of members reported that the processing delays created a financial hardship and over 30% of members reported interruptions in patient care.

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

**ANALYSIS**

This bill revises section 2914 of the Business and Professions Code (BPC) by adding language to allow applicants seeking licensure to be eligible to take the required licensure exams, which include the Examination for Professional Practice in Psychology (EPPP) and the California Psychology Law and Ethics Examination (CPLEE), at any time after all academic coursework required for a qualifying doctoral degree is completed. Written certification from the registrar of the applicant’s educational institution or program would serve as proof of completion.

In addition, the bill requires the Board of Psychology to revise CCR 1388 and CCR 1388(c). Currently, for an applicant to be eligible to the take the EPPP exam they must complete a total of 1,500 hours of qualifying Supervised Professional Experience along with completing a qualifying doctoral degree. For the applicant to be eligible to take the CPLEE, the applicant must pass the EPPP and must complete the remaining 1500 hours of SPE to total 3000 hours of qualifying SPE. The proposed bill would remove the requirements of completing the qualified SPE hours to be eligible to take the required exams.

The EPPP is a technical exam testing applicants’ knowledge of certain areas. The knowledge portion of the EPPP covers eight content areas:

- Biological bases of behavior
- Cognitive-affective bases of behavior
- Social and cultural bases of behavior
- Growth and lifespan development
- Assessment and diagnosis
- Treatment, intervention, prevention and supervision
- Research methods and statistics
- Ethical, legal, and professional issues

With the above content areas being tested, the Board currently requires the EPPP to be passed first, as it was determined that applicants are eligible to take the EPPP once all coursework is completed and the qualifying degree is awarded, and the applicant has supervised experience hours (at least 1500 earned) with clients and providing services.

In addition, the EPPP part-2 which is projected to be in place in 2026 is a skill-based exam. The exam will be used to evaluate the skills of the applicant and will include questions regarding real-world situations that a licensee will face in practice. Since the exam is testing on real-world skills and situations, supervised experience hours may be required prior to eligibility. By doing so, the applicant would have gained required skills and knowledge under supervision in a live practice or approved setting, which may result in a higher passing rate.

The CPLEE is a law and ethics exam to test applicant's knowledge of California's laws, regulations, and ethical rules in the field of Psychology. Currently, the Board requires the exam to be taken after the applicant has passed the EPPP and is one of the last requirements before licensure. This ensures the applicant is aware and has proven knowledge of CA laws, regulations, and ethics rules prior to providing services to clients unsupervised.

In comparing the licensure requirements for the Board of Behavioral Sciences (BBS) licensing programs, BBS allows applicants to take the California Law and Ethics exam without the requirement of completing supervised experience for the following licensing types:

- Licensed Clinical Social Worker (LCSW)
- Licensed Professional Clinical Counselor (LPCC)
- Licensed Marriage and Family Therapist (LMFT)

For the applicant to take the required clinical exam, BBS requires the applicant to complete supervision hours and other licensure requirements (Educations, Application/Registration, Live Scan, etc..) before the applicant is eligible to take the clinical exam. For the three licensing types previously referenced, BBS requires the completion of a total of 3000 hours of supervised experience to be eligible for the clinical exam. BBS determined the applicant should have proven knowledge of California laws and ethics prior to providing clinical services. Once the applicant has completed the required supervision experience hours in a clinical setting, then applicants would be eligible to take the clinical exam.

The bill sponsor presented the bill idea to the Board in February 2023. At that meeting, Board Members stated they would prefer to review an analysis of the bill before providing the bill's sponsor feedback.

## **LEGISLATIVE HISTORY**

Not applicable

## **OTHER STATES' INFORMATION**

It appears, Alabama, Georgia, Kansas, and Kentucky do not have SPE requirements to take the required Licensure exam(s).

Alabama

No requirement to complete SPE hours to be eligible to take the licensure exams. Licensing board requires, application, fee, doctoral degree and receiving a EPPP passing score for licensure.

Florida

Does have a SPE requirement to take the licensure exams, which include the EPPP and State ethics exams, however, the order in which the exams are taken are at the applicant's discretion.

Georgia

No requirement to complete SPE hours to be eligible to take the licensure exams.

Kansas

No requirement to complete SPE hours to be eligible to take the licensure exams.

Kentucky

No requirement to complete SPE hours to be eligible to take the licensure exams.

**PROGRAM BACKGROUND**

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

The Board is responsible for reviewing applications, verifying education and experience, determining exam eligibility, as well as issuing licensure, registrations, and renewals.

**FISCAL IMPACT**

If the bill is passed, and the SPE requirement is removed, the Board may see an increase in applications for licensure at the effective date of the new requirements, since applicants would now have the ability to apply for either exam earlier in the licensure application process. With an increase in applications received in part, the Board would also see an increase in application fees received.

The current processing time for each step of the licensure process is approximately two months or 5-8 weeks (As of 2/17/2023). The removal of reviewing SPE when determining exam eligibility may reduce the processing time of the initial application. However, the review of all SPE hours at the end of the application process may increase processing times for requests and approvals for licensure. This is because the majority of SPE deficiencies are discovered when reviewing the verification of experience form and the supervision agreement.

Last, The Association of State and Provincial Psychology Boards (ASPPB) provided feedback to the Board, which expressed that if applicants can take the EPPP part 1

closer to coursework completion, the applicant passage rates are likely to rise and in part would reduce the need to re-take the exam, which requires additional staff processing, added cost, and time prior to practice for the applicant.

**ECONOMIC IMPACT**

Not Applicable

**LEGAL IMPACT**

Not Applicable

**APPOINTMENTS**

Not Applicable

**SUPPORT/OPPOSITION**

**Support:** California Psychological Association

**Opposition:** None on File

**ARGUMENTS**

**Proponents:** None on File

**Opponents:** None on File

**AMENDMENTS**

Bill was amended on March 20, 2023

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 282**

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**Introduced by Assembly Member Aguiar-Curry**

January 24, 2023

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An act to amend Section 2914 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 282, as amended, Aguiar-Curry. Psychologists: licensure.

Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology. Existing law requires each applicant for licensure as a psychologist to take and pass any examination required by the board, except as exempted by the board under existing law. Existing law prescribes additional requirements for licensure, including a requirement that an applicant for licensure have earned a doctoral degree in any of specified fields of study.

This bill would make an applicant for licensure who has completed ~~all coursework~~ *academic coursework, as specified*, required for such a doctoral degree, as documented by a written certification from the registrar of the applicant's educational institution or program, eligible to take any and all examinations required for licensure.

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 2914 of the Business and Professions  
2 Code is amended to read:

3 2914. (a) An applicant for licensure shall not be subject to  
4 denial of licensure under Division 1.5 (commencing with Section  
5 475).

6 (b) (1) On and after January 1, 2020, an applicant for licensure  
7 shall possess an earned doctoral degree in any of the following:

8 (A) Psychology with the field of specialization in clinical,  
9 counseling, school, consulting, forensic, industrial, or  
10 organizational psychology.

11 (B) Education with the field of specialization in counseling  
12 psychology, educational psychology, or school psychology.

13 (C) A field of specialization designed to prepare graduates for  
14 the professional practice of psychology.

15 (2) (A) Except as provided in subparagraph (B), the degree or  
16 training obtained pursuant to paragraph (1) shall be obtained from  
17 a college or institution of higher education that is accredited by a  
18 regional accrediting agency recognized by the United States  
19 Department of Education.

20 (B) Subparagraph (A) does not apply to any student who was  
21 enrolled in a doctoral program in psychology with the field of  
22 specialization in clinical, counseling, school, consulting, forensic,  
23 industrial, or organizational psychology or in education with the  
24 field of specialization in counseling psychology, educational  
25 psychology, or school psychology at a nationally accredited or  
26 approved institution as of December 31, 2016.

27 (3) The board shall make the final determination as to whether  
28 a degree meets the requirements of this subdivision.

29 (4) Until January 1, 2020, the board may accept an applicant  
30 who possesses a doctoral degree in psychology, educational  
31 psychology, or in education with the field of specialization in  
32 counseling psychology or educational psychology from an  
33 institution that is not accredited by an accrediting agency  
34 recognized by the United States Department of Education, but is  
35 approved to operate in this state by the Bureau for Private  
36 Postsecondary Education on or before July 1, 1999, and has not,  
37 since July 1, 1999, had a new location, as described in Section  
38 94823.5 of the Education Code.

1 (5) An applicant for licensure trained in an educational  
2 institution outside the United States or Canada shall demonstrate  
3 to the satisfaction of the board that the applicant possesses a  
4 doctoral degree in psychology or education as specified in  
5 paragraphs (1) and (2) that is equivalent to a degree earned from  
6 a regionally accredited academic institution in the United States  
7 or Canada by providing the board with an evaluation of the degree  
8 by a foreign credential evaluation service that is a member of the  
9 National Association of Credential Evaluation Services (NACES),  
10 or by the National Register of Health Services Psychologists  
11 (NRHSP), and any other documentation the board deems necessary.  
12 The member of the NACES or the NRHSP shall submit the  
13 evaluation to the board directly and shall include in the evaluation  
14 all of the following:

15 (A) A transcript in English, or translated into English by the  
16 credential evaluation service, of the degree used to qualify for  
17 licensure.

18 (B) An indication that the degree used to qualify for licensure  
19 is verified using primary sources.

20 (C) A determination that the degree is equivalent to a degree  
21 that qualifies for licensure pursuant to paragraphs (1) and (2).

22 (c) (1) An applicant for licensure shall have engaged for at least  
23 two years in supervised professional experience under the direction  
24 of a licensed psychologist, the specific requirements of which shall  
25 be defined by the board in its regulations, or under suitable  
26 alternative supervision as determined by the board in regulations  
27 duly adopted under this chapter, at least one year of which shall  
28 have occurred after the applicant was awarded the qualifying  
29 doctoral degree. Any supervision may be provided in real time,  
30 which is defined as through in-person or synchronous audiovisual  
31 means, in compliance with federal and state laws related to patient  
32 health confidentiality. The supervisor shall submit verification of  
33 the experience to the trainee as prescribed by the board. If the  
34 supervising licensed psychologist fails to provide verification to  
35 the trainee in a timely manner, the board may establish alternative  
36 procedures for obtaining the necessary documentation. Absent  
37 good cause, the failure of a supervising licensed psychologist to  
38 provide the verification to the board upon request shall constitute  
39 unprofessional conduct.



1 (2) The board shall establish qualifications by regulation for  
2 supervising psychologists.

3 (d) An applicant for licensure shall take and pass the  
4 examination required by Section 2941 unless otherwise exempted  
5 by the board under this chapter. An applicant for licensure who  
6 has completed all *academic* coursework required for a doctoral  
7 degree as required by subdivision (b), as documented by a written  
8 certification from the registrar of the applicant’s educational  
9 institution or program, shall be eligible to take any and all  
10 examinations required for licensure. *For purposes of this*  
11 *subdivision, “academic coursework” does not include participation*  
12 *in an internship or writing a dissertation or thesis.*

13 (e) An applicant for licensure shall complete coursework or  
14 provide evidence of training in the detection and treatment of  
15 alcohol and other chemical substance dependency.

16 (f) An applicant for licensure shall complete coursework or  
17 provide evidence of training in spousal or partner abuse assessment,  
18 detection, and intervention.

## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(b)(2) AB 883 (Mathis) Business License: U.S. Department of Defense SkillBridge Program

### **Background**

The bill proposes that Boards under the Department of Consumer Affairs expedite the initial licensure process for an applicant who supplies satisfactory evidence to the Board, that the applicant is enrolled in the U.S. Department of Defense SkillBridge program.

SkillBridge allows Service Members gain civilian experience through specific industry training, apprenticeships, or internships during the last 180 days of service.

The bill was introduced on February 14, 2023, and was referred to the Business and Professions Committee on February 23, 2023

### **Action Requested**

Board staff recommends Board Members review proposed bill language and consider a position.

Attachment 1: Assembly Business and Professions analysis

Attachment 2: Assembly Bill 883 proposed bill text

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

AB 883 Mathis – As Amended March 23, 2023

**SUBJECT:** Business licenses: United States Department of Defense SkillBridge program.

**SUMMARY:** Expands the requirement that licensing boards under the Department of Consumer Affairs (DCA) must expedite the licensing application from military veterans to include applications from active duty members of a regular component of the United States Armed Forces who are enrolled in the United States Department of Defense SkillBridge program.

**EXISTING LAW:**

- 1) Establishes the DCA within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Provides for the regulation and licensure of various professions and vocations by boards, bureaus, and other entities within the DCA. (BPC §§ 100-144.5)
- 3) Defines “board,” as used in the BPC, as the board in which the administration of the provision is vested, and unless otherwise expressly provided, includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” (BPC § 22)
- 4) Requires a DCA board to expedite the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. (BPC § 115.4)
- 5) Authorizes the U.S. Secretary of Defense or Secretary of Homeland Security to carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training, including apprenticeship programs, to help prepare such members for employment in the civilian sector. (Title 10 United States Code (U.C.S.) § 1143(e)(1))
- 6) Specifies that a member of the armed forces is an eligible member for a program established by one of the Secretaries if the member meets both of the following:
  - a) Has completed at least 180 days on active duty in the armed forces. (10 U.S.C. § 1143(e)(2)(A))
  - b) Is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program. (10 U.S.C. § 1143(e)(2)(B))

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by the Legislative Counsel.

**COMMENTS:**

**Purpose.** This bill is sponsored by the author. According to the author, “The transition from active military duty to a civilian life is a stressful and isolating time for many service members, and as members of the legislature it is our responsibility to do all that we can to make this process as easy as possible. [This bill] will require state agencies to expedite applications of those who are enrolled in the Department of Defense’s SkillBridge program, thus aligning existing state policy to expedite veteran applications and ensuring that every veteran is provided with the support, information and tools necessary to succeed.”

**Background.** In general, professional licensing programs serve to protect the public from trades or professions that may carry a higher risk of harm. Those programs require an active license to practice, which demonstrates a minimum level of training, competency, and fitness to practice. As a result, those who wish to practice in a licensed profession must undergo an application process. However, the process of applying for a new license can be lengthy, expensive, or even confusing.

That process may be worse for veterans. According to the U.S. Department of Veteran Affairs, preparing for and applying for jobs are common challenges that hinder re-adjustment to civilian life. A veteran who had a career in the military may have never looked or applied for a civilian job, or they may be returning to a civilian job but need time adjusting or catching up on qualifications for the position.

To assist with these burdens, existing law provides for several accommodations for veteran license applicants. Many licensing programs are within the DCA, and DCA boards are required to ask about the military status of each of their applicants so that military experience may potentially be applied toward licensure training requirements. DCA boards are also required to expedite licensure for military veterans as well as the spouses and partners of active duty military to reduce license processing wait times.

*SkillBridge.* This bill would extend the expedited licensure benefit to applicants who are active duty members of a regular component of the U.S. Armed Forces enrolled in the U.S. Department of Defense (DOD) SkillBridge program. Regular components currently include Army, Navy, Air Force, Marine Corps, and Space Force.

SkillBridge is an employment assistance program that provides work experience opportunities to service members transitioning to the civilian sector. Enrollees must be within 180 days of discharge, have had at least 180 continuous days of active service, and obtain written authorization from their unit commander. If approved, members can be granted up to 180 days of permissive duty to participate full-time in the program.

The SkillBridge opportunities are offered through partner organizations that have been authorized by the DOD through an official memorandum of understanding to work with each of the applicable military branches and respective installation commanders to develop SkillBridge training programs for their personnel. To be approved by the DOD, partnering organizations must submit a detailed training plan that specifies, among other things, specific learning objectives, instructor qualifications, and descriptions of assessments.

The DOD also specifies that “SkillBridge opportunities must provide eligible Service members with a job training and career development experience to acquire employment skills, knowledge, or abilities to assist them with job opportunities in the civilian sector. The opportunities must offer a high probability of post-service employment with the provider or any other employer and offer enrollment at no cost or minimal cost to eligible Service members.”

The four SkillBridge opportunity types are defined as:

- 1) Apprenticeship/Pre-Apprenticeship programs: A combination of on-the-job-training and related classroom instruction under the supervision of a trade official. The programs are jointly sponsored by employer and union groups, individual employers, or employer associations. They must meet one of the following:
  - a) Be registered with the U.S. Department of Labor (DOL) or registered in the state in which it operates.
  - b) Be an “Education and Job Training Program” approved by the U.S. Department of Veterans Affairs (VA).
  - c) Be a certificate program accredited by the American National Standards Institute (ANSI).
  - d) Be accredited by an accrediting agency recognized by the U.S. Department of Education (DOE).

Apprenticeships programs must also meet all of the following:

- a) Be offered by an industry-related organization that is a sponsor of or oversees the sponsorship of a registered apprenticeship program related to the training being offered.
  - b) Documented in a memorandum of understanding that establishes the parameters for cooperative support between the local installation and the local program sponsor.
  - c) Have the potential to provide post-service employment.
- 2) Employment Skills Training (EST) or On the Job Training (OJT): Employee training and tasks learned at a place of work while performing the actual job. OJT occurs in the particular working situation that an employee can expect to work in daily. An OJT or employment skills training program must have at least one of the following:
    - a) Be an “Education and Job Training Program” approved by the U.S. Department of VA.
    - b) Be accredited by an accrediting agency recognized by the U.S. DOE.
    - c) Be a certificate program accredited by the ANSI.
    - d) Be approved by the National Association of State Approving Agencies.
    - e) Be a training program accredited by the Council on Occupational Education.

- 3) Internships: A system of on-the-job-training offered by a provider to eligible Service members to develop jobs skills and employment skills training that assists them to gain employment in the civilian sector. Offers a type of work experience for entry-level job seekers.
- 4) Job shadowing: Normally is performed in one day by observing the day-to-day operations of the employer.

*Applicability to Licensure.* To qualify for a license, applicants must be able to demonstrate the satisfaction of any applicable education, experience, and examination requirements at the time of application. Applicants must also pass a background check. Incomplete applications are typically put on hold until the applicant can remedy any deficiencies.

Because the SkillBridge program is job experience-focused, it is unclear whether it would help enrollees meet the qualifications for licenses that require a specific type of education or passage of an examination, such as a nursing license, unless those requirements are completed ahead of time. As a result, those enrollees may not benefit from an expedited application.

To the extent an enrollee does qualify for a license, or is close to qualifying through experience gained in the program, this bill would allow them to have their license reviewed sooner.

*Reserve Components.* Currently, SkillBridge is also available to the National Guard and the Reserves. However, National Guard and Reserve members generally live in-state and hold civilian jobs, so there may be no employment transition that an expedited license process would assist with. Therefore, the author accepted amendments to limit the new benefit under the bill to active duty members of the regular components of the armed forces.

**Prior Related Legislation.** AB 225 (Gray, et al.) of 2021, which died pending a hearing in the Senate Business, Professions and Economic Development Committee, would have expanded the DCA temporary license program for spouses and registered domestic partners of active-duty military members to include active duty members of the U.S. Armed Forces with active orders for separation within 90 days under other than dishonorable conditions.

AB 186 (Maienschein), Chapter 640, Statutes of 2014, established the DCA temporary license program for spouses and registered domestic partners of active-duty military members.

SB 1226 (Correa), Chapter 657, Statutes of 2014, established the requirement that DCA boards expedite applications from honorable discharged veterans.

#### **ARGUMENTS IN SUPPORT:**

The *California Association of Realtors* writes in support:

SkillBridge has countless industry partners in a variety of fields, including real estate, with established military recruitment and transition programs because of the expertise, dedication, and service our veterans bring. Real estate is a field where there is no substitute for on the ground training and this bill also accomplishes the goal of real-life experience for these future licensees.

For those servicemembers who are transitioning into fields requiring licensure, like real estate, expediting their license applications will directly and positively impact their transition and hasten their ability to earn an income and support their families. Unemployment is disproportionately high within the veteran community, but this bill will help eliminate unnecessary delays and roadblocks. They can hit the ground running. At a time when labor shortages and demographic changes challenge California's workforce and economic outlook, the state cannot afford to lose workers to other states, especially our skilled and accomplished service men and women.

**ARGUMENTS IN OPPOSITION:**

None on file

**REGISTERED SUPPORT:**

California Association of Realtors

**REGISTERED OPPOSITION:**

None on file

**Analysis Prepared by:** Vincent Chee / B. & P. / (916) 319-3301

**ASSEMBLY BILL**

**No. 883**

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**Introduced by Assembly Member Mathis**

February 14, 2023

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An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as introduced, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is enrolled in the United States Department of Defense SkillBridge program, as specified.

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 115.4 of the Business and Professions
- 2 Code is amended to read:
- 3 115.4. (a) Notwithstanding any other law, on and after July 1,
- 4 2016, a board within the department shall expedite, and may assist,
- 5 the initial licensure process for an applicant who supplies
- 6 satisfactory evidence to the board that the applicant *is enrolled in*
- 7 *the United States Department of Defense SkillBridge program as*
- 8 *authorized under Section 1143(e) of Title 10 of the United States*
- 9 *Code or has served as an active duty member of the Armed Forces*
- 10 *of the United States and was honorably discharged.*
- 11 (b) A board may adopt regulations necessary to administer this
- 12 section.

## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(b)(3) AB 996 (Low) Department of Consumer Affairs: continuing education: conflict of interest policy

### **Background**

The bill proposes that Boards under the Department of Consumer Affairs develop and maintain a conflict-of-interest policy that would discourage the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course.

The bill was introduced on February 15, 2023, and was referred to the Business and Professions Committee on February 23, 2023

### **Action Requested**

Board staff recommends Board Members review proposed bill language and consider a position.

Attachment 1: Assembly Bill 996 proposed bill text

**ASSEMBLY BILL**

**No. 996**

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**Introduced by Assembly Member Low**

February 15, 2023

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An act to add Section 36 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as introduced, Low. Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Existing law provides for the licensure and regulation of professions and vocations by entities within the Department of Consumer Affairs. Under existing law, several of these entities may require licensees to satisfy continuing education course requirements, including, among others, licensed physicians and surgeons licensed by the Medical Board of California and certified public accountants and public accountants licensed by the California Board of Accountancy.

This bill would require those entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course.

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 36 is added to the Business and
- 2 Professions Code, to read:

1 36. (a) Any entity listed in Section 101 that is responsible for  
2 approving continuing education providers or courses shall develop  
3 and maintain a conflict-of-interest policy in accordance with  
4 subdivision (b).

5 (b) The conflict-of-interest policy required by this section shall,  
6 at a minimum, discourage the qualification of any continuing  
7 education course if the provider of that course has an economic  
8 interest in a commercial product or enterprise directly or indirectly  
9 promoted in that course.

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## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(b)(4) SB 372 (Menjivar) Department of Consumer Affairs: Licensee and registrant records: name and gender changes

### **Background**

The bill would require each licensing board under the Department of Consumer Affairs (DCA) to update a licensee or registrant's legal name and/or gender when the board receives government-issued documentation. The bill would prohibit the Board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee currently charged.

On March 20, 2023, the bill was amended to include that for licensees or registrants (licensee) that are changing name and gender the Board would be required to remove their former name or gender from the online license verification system and treat the former name or gender as confidential. The Board would also be required to establish a process to allow a person to request and obtain the information upon request.

### **Action Requested**

Board staff recommends Board Members review bill analysis and amended bill language and consider a position.

Attachment 1: Senate Bill 372 bill analysis

Attachment 2: Senate Business, Professions and Economic Development bill analysis

Attachment 3: Senate Bill 372 amended bill text

## 2023 Bill Analysis

<b>Author:</b> Senator Menjivar	<b>Bill Number:</b> SB 372	<b>Related Bills:</b> AB 245 AB 711
<b>Sponsor:</b> Multiple Sponsors	<b>Version:</b> Introduced	
<b>Subject:</b> Respect for Names Act		

### SUMMARY

This bill would require each licensing board under the Department of Consumer Affairs (DCA) to update a licensee or registrant’s legal name and/or gender when the board receives government-issued documentation. The bill would prohibit the Board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee the Board charges for reissuing a document with other corrected or updated information.

### RECOMMENDATION

**FOR DISCUSSION** – Staff recommend the Board discuss SB 372 and consider taking a position.

*Summary of Suggested Amendments*  
None on file.

### REASON FOR THE BILL

Per the author “Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. Currently, when a licensed professional has legally changed their name, their original or deadname still appears in the DCA’s BreEZe online license verification system. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online”. Also, “When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people.”

In addition, the author states that transgender individuals experience high rates of discrimination, more so for individuals that know, or are believed to be transgender. The author provided statistics from two surveys; the National Center for Transgender Equality in 2015 that found, 46% of people have been harassed verbally, 9% have been physically assaulted for their trans identity, and 30% reported experiencing

discrimination in the workplace or with prospective employers. The UCLA Williams Institute concluded that trans adults have a suicidal ideation rate 12 times higher and suicide attempt rate 18 times higher than the general-public. The author states that the proposed bill could help protect over 3.4 million licensed professionals by ensuring trans and non-binary licensees who changed their names legally would have their correct identities reflected on the online system.

## **ANALYSIS**

The Bill would require the Board to limit the online BreEZe display of the licensee's or registrant's current legal name and/or gender. The current proposed language is not clear if the specific requirement is applying to name changes due to marriage, divorce, or a court-order, or a name change due to a change in gender only.

In addition, the bill would require the Board to reissue any documents with the licensees or registrants update legal name or gender, if requested by the licensee or registrant, and would prohibit the Board from charging a higher fee to reissue a document with the correct or updated legal name or gender.

The bill, if passed, may remove the Board's ability to present or reference the licensee or registrant's previous legal name, as it appears it is the author's intent to eliminate the use of deadnames in the DCA licensing system for licensed professionals who have changed their name legally.

Currently, if a licensee or registrant changes their name legally, and the Board completes the name change in the BreEZe system, the online verification will include the new and previous name. When searching by the previous name, the previous name will be shown and noted as "Previous Name", and if the "More Detail" option is selected, the user is provided a page that shows the license or registration number, new name, previous name, and any public information. If a search is conducted using the new or current name, the current name will be presented, and if the "More Detail" option is selected, the user will be presented with a page that shows, the current name, license or registration number, previous name (if any), and the public information.

The California State Bar currently does not present the previous name of an Attorney when a name change occurs. When the legal name is changed, the online verification provides the user with the option to contact the State Bar directly for more information.

The Board of Professional Engineers, Land Surveyors and Geologists updates the legal name of their applicants and/or licensees with an affidavit/affirmations statement that is submitted by the applicant or licensee. The new legal name is linked to the license number and the previous name is kept in the Boards internal record; however, the previous name is not presented online. The Board provides that not all enforcement information is available online. The Board advises the requestor to contact the enforcement unit

The California Board Naturopathic Medicine processed a single court-ordered name change by issuing a new license number under the new legal name, which is connected to the previous license internally, but not publicly.

This bill provides that the licensee or registrant would only have to submit one form of documentation to have their legal name or gender changed. The licensee or registrant could submit any of the following, but not limited to:

- State-Issued driver' license or identification card
- Birth Certificate
- Passport
- Social security card
- Court order indicating a name change or a gender change

The Board currently requires any licensee or registrant who wishes to update their current legal name to submit to the Board the Notification of Name Change form and must also submit two forms of documentation, which includes a current government-issued photographic identification and one of the following legal documents:

- Certified Court Order
- Marriage Certificate
- Dissolution of Marriage (Divorce)

The Board currently does not collect information on the gender of its licensees and registrants, and this information is not displayed on the BreEZe online verification.

**Pros:**

- Protect licensees and registrants gender identities, and their correct identity would be reflected online.

**Cons:**

- May cause issues regarding consumer protection and may indirectly cause an issue with consumers not having the ability to view current or past disciplinary actions if the enforcement records as associated with the previous legal name.
- Licensees are required to keep patient records for 7 years, patients may have issues in locating a licensee if, the patient is no longer receiving services by that licensee, and the license number is not known. The patient would contact the Board to utilize the online verification option for the licensee information based solely on the name, and if the name is changed and no reference of the previous name is present, the patient may face difficulty in locating the licensee and in turn their patient records.

**LEGISLATIVE HISTORY**



AB 242 (Chiu, Chapter 555, Statutes of 2021)

Requires a campus of the University of California (UC), California State University (CSU), or California Community Colleges (CCC) to update a former student's records to include the student's updated legal name or gender if the institution receives government-issued documentation from the student demonstrating that the former student's legal name or gender has been changed.

AB 711 (Chiu, Chapter 179, Statutes of 2019)

Requires a local educational agency (LEA), including a school district, charter school or county office of education, to update and reissue a former pupil's records if it receives government issued documentation that a former pupil's legal name and/or gender has been changed.

### **OTHER STATES' INFORMATION**

Not Applicable

### **PROGRAM BACKGROUND**

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

### **FISCAL IMPACT**

The Board currently charges a \$5.00 processing fee to issue a duplicate wall certificate, and a \$5.00 processing fee to issue a duplicate pocket card. The licensee or registrant has the option to mail the payment along with the Application for Duplicate Wall Certification and/or Pocket Card form, or the request can be completed online through their online BreEZe account.

The Board currently has processes and procedures in place to issue name change requests and can utilize those same processes and procedures for requests relating to name changes that result from a change in gender. Since the Board would be using the same processes and procedures, the current processing fee would apply. The Board would incur the same costs related to printing reissued documents upon request.

In addition, BreEZe currently has the functions to update a licensee or registrants legal name, however, if the Board is required to remove the previous name from the records, the Board would incur the costs to delete or redact the previous name from online verification and/or from any enforcement records.

### **ECONOMIC IMPACT**

Not Applicable

### **LEGAL IMPACT**

Not Applicable

**APPOINTMENTS**

None on File

**SUPPORT/OPPOSITION**

**Support:** California Association of Marriage and Family Therapist (Co-Sponsor)  
California State Association of Psychiatrists (Co-Sponsor)  
California Association of Social Rehabilitation Agencies (Co-Sponsor)  
California Council of Community Behavioral Health Agencies (Co-Sponsor)  
California Psychological Association (Co-Sponsor)  
California Association for Licensed Professional Clinical Counselors (Co-Sponsor)  
National Association of Social Works –California Chapter (Co-Sponsor)  
Psychiatric Physicians Alliance of California (Co-Sponsor)

**Opposition:** None on File

**ARGUMENTS**

None on File

**Proponents:** None on File

**Opponents:** None on File

**AMENDMENTS**

Bill was amended on March 21, 2023.

~~(2)~~



- 4) Requires various health practitioner licensing entities to provide information about licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the entity's online information website.
- 5) Outlines the specifications for a legal processing to for a change of name to conform to an individual's gender identity and exempts this type of proceeding from any requirement for publication. (Code of Civil Procedure § 1277.5)

**This bill:**

- 1) Requires a licensing entity within DCA to update licensee records, including any records contained in an online license verification system, if it receives government-issued documentation demonstrating that the individual's legal name or gender has changed to include the updated legal name or gender.
- 2) Specifies that if a licensing entity operates an online license verification system, it must remove the individual's former name upon receipt of the government-issued documentation and specifies that the individual's former name and gender are deemed confidential.
- 3) Requires a licensing entity to establish a process, one that considers respect for the individual's privacy and safety, to provide an individual's former name and gender upon receipt of a request that is related to a complaint against the individual.
- 4) Requires a licensing entity to reissue any documents related to licensure with the individual's updated legal name or gender and specifies that a higher fee cannot be charges for this effort than the fee associated with any other document reissuance.
- 5) Clarifies that a licensing entity does not need to modify licensure records if the individual does not request a modification or reissuance of licensing documents.
- 6) Specifies that this bill imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. States that this is necessary in order to protect the privacy rights and safety of individuals, it is necessary that this act limit the public's right of access to that information.

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by Legislative Counsel.

**COMMENTS:**

1. **Purpose.** This bill is co-sponsored by the California Association of Marriage and Family Therapists, California State Association of Psychiatrists, California Association of Social Rehabilitation Agencies, California Council of Community Behavioral Health Agencies, California Psychological Association, California Association for Licensed Professional Clinical Counselors, National Association of Social Workers – CA Chapter, and Psychiatric Physicians Alliance of California.

According to the Author, "Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously

used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online.

When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people.

Transgender people experience high rates of discrimination, especially if they are known or believed to be trans. The National Center for Transgender Equality found in their 2015 US Trans Survey that 46% of people surveyed had been verbally harassed and 9% had been physically assaulted for their trans identity. Additionally, 30% reported experiencing discrimination in the workplace or with prospective employers. The UCLA Williams Institute found that trans adults have a suicidal ideation rate 12 times higher and a suicide attempt rate 18 times higher than the general population.

It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system.”

## 2. **Background.**

*DCA.* Within the DCA are 36 entities, including 26 boards, seven bureaus, one committee, one program, and one commission (hereafter “boards” unless otherwise noted). Collectively, these boards regulate more than 100 types of businesses and 200 different industries and professions to include over 3.4 million licensees. As regulators, these boards perform two primary functions:

- Licensing—which entails ensuring only those who meet minimum standards are issued a license to practice, and
- Enforcement—which entails investigation of alleged violations of laws and/or regulations and taking disciplinary action, when appropriate.

DCA entities are semiautonomous regulatory bodies with the authority to set their own priorities and policies and take disciplinary action on their licensees. Board members are representatives of the public and the profession a particular board oversees. The composition of each board is outlined in statute, with members appointed by the Governor and Legislature. Day-to-day operations of a board are managed by an executive officer selected by the board. If a board has a policy issue that it wants to address, it can vote to pursue a regulatory or statutory change. Boards can directly sponsor legislation without prior approval from any other governing body, but the DCA prepares board budgets. By nature, the operations of a board tend to be very public because all decisions are made at public meetings. DCA provides administrative support to boards through its various offices and divisions.

DCA has direct control and authority over bureaus, as they are a direct extension of the DCA and cannot act on policy matters without first consulting with the DCA. Policy decisions start at the bureau level but must be vetted through the DCA, Business, Consumer Services and Housing Agency, and the Governor's Office. The DCA Director supervises and administers the acts of every bureau, but delegates the authority to a bureau chief, who then carries out the will of the Director. Policy decisions of a bureau, as part of the Department, are confidential until approved by the Administration. Bureaus may also consult with an advisory committee, typically comprised of representatives in a particular field or profession regulated by a bureau, however, these bodies have little actual power to direct or influence bureau activities and decisions. Some bureau chiefs are appointed by the Governor; others are appointed by the Director of the DCA.

*Public Licensee Information.* DCA has been working since 2009 on replacing multiple antiquated standalone IT systems with one fully integrated system. A number of programs currently employ BreEZe to provide applicant tracking, licensing, renewals, enforcement, monitoring, cashiering, and data management capabilities. BreEZe is web-enabled and allows many licensees to complete and submit applications, renewals, and the necessary fees through the internet. The system also allows the public to file a complaint, search for a licensee, and subscribe to license status changes.

Licensing entities have processes, typically outlined in the entity's practice act, that outline how an individual can change their name. Typically, once a licensing entity receives a name-change request, the licensing entity updates the online licensing search system to update the individual's profile with the new name, however documentation related to the individual's license under the prior name still remains a part of the profile and is searchable on the individual's online profile. BreEZe allows a prior name to be designated private, which in turn eliminates the ability for online lookup of that particular name. The licensee information and documentation for both names, however, remains available to licensing entity staff and part of the internal materials maintained by that program.

3. **Arguments in Support.** Supporters note that "By limiting what is shared on the website, the safety and privacy of transitioned persons and others who have changed licensed under DCA is protected. Victims of domestic violence that have legally changed their name may wish for their information to be kept confidential. Individuals that have transitioned may be harassed or discriminated against when their transition is shared on the Breeze system. Safeguards for consumers to ensure that a complaint can be filed under either name are included in the bill. If a disciplinary action was taken under the deadname, that information would remain linked to the license number and available for the public to review. Additionally, if a consumer would like to re-engage with a licensee, that would be possible as well." Supporters highlight that this bill is similar to an existing process at the California State Bar.
4. **Implementation Issues and Clarifications.** While this bill outlines the requirement for certain action by DCA licensing entities that receive a request related to "a complaint" against the individual, it is not clear how members of the public would be able to automatically access information about enforcement actions taken against a

licensee if any documentation including their prior name is no longer connected to the licensee in the public facing portion of the online licensing system. The Legislature has passed numerous measures aimed at shining a light on the actions of licensees to ensure the public is able to be informed about not only the qualifications and licensure of an individual, but also any discipline that the individual has faced throughout the course of their licensure. For many DCA licensing entities, complaints are not public and members of the public are not aware of enforcement action until legal proceedings have commenced. A member of the public may not know to search for an individual by name, to ensure they are in fact licensed, but then separately engage the individual's licensing entity about prior disciplinary action taken against the same individual with an old name. The Author should continue working with DCA, and the bill may need to be amended to ensure that any licensing entity's process to provide disciplinary action information to an inquiring member of the public is related to enforcement action, rather than just a complaint. The bill may need to be amended to specify that within the process, reference to the prior name may need to be redacted, in order to achieve the goal of preventing the individual's association with their prior name. It may also be clearer for the individual to simply receive a new license number to ensure that their profile is publicly searchable and available only with their new name, and part of the licensing entity process that is developed for providing disciplinary action on the individual under an old name could include the entity's steps, if statutorily necessary to clarify, to connect the two licenses at the licensing entity's level.

**SUPPORT AND OPPOSITION:**Support:

California Council of Community Behavioral Health Agencies  
California Association for Licensed Professional Clinical Counselors  
California Association of Marriage and Family Therapists  
California Association of Social Rehabilitation Agencies  
California Psychological Association  
California State Association of Psychiatrists  
National Association of Social Workers, California Chapter  
Pathpoint  
Psychiatric Physicians Alliance of California

Opposition:

None received

-- END --



AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 372**

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**Introduced by Senator Menjivar**

~~(Coauthor: Senator~~ *(Coauthors: Senators Cortese and Wiener)*

~~(Coauthor: (Coauthors: Assembly Member Pellerin~~ *Members Lee, Pellerin, and Wallis)*

February 9, 2023

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An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. ~~Under existing law, the department is composed of various boards, bureaus, committees, and commissions.~~ Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a ~~licensee~~ *licensee's* or registrant's records, including records contained within an online license verification system, to include the ~~licensee~~ *licensee's* or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. *The bill would require the board to remove the licensee's*

or registrant’s former name or gender from its online license verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

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 27.5 is added to the Business and  
 2 Professions Code, to read:  
 3 27.5. (a) (1) Notwithstanding any other law, if a board receives  
 4 government-issued documentation, as described in subdivision  
 5 (b), from a licensee or registrant demonstrating that the licensee  
 6 licensee’s or registrant’s legal name or gender has been changed,  
 7 the board shall update their records, including any records  
 8 contained within an online license verification system, to include  
 9 the updated legal name or gender. ~~If requested by the licensee or~~  
 10 ~~registrant, the board shall reissue any documents conferred upon~~  
 11 ~~the licensee or registrant with the licensee or registrant’s updated~~  
 12 ~~legal name or gender.~~  
 13 (2) (A) *If the board operates an online license verification*  
 14 *system, it shall remove the licensee’s or registrant’s former name*  
 15 *upon receipt of government-issued documentation, as described*  
 16 *in subdivision (b). The licensee’s or registrant’s former name and*  
 17 *gender shall be deemed confidential.*  
 18 (B) *The board shall establish a process for providing a*  
 19 *licensee’s or registrant’s former name and gender upon receipt*

1 of a request that is related to a complaint against the licensee or  
2 registrant.

3 (C) In establishing a process to provide a licensee's or  
4 registrant's former name and gender, the board shall consider  
5 respect for the licensee's or registrant's privacy and safety.

6 ~~(2)~~

7 (3) If requested by the licensee or registrant, the board shall  
8 reissue any documents conferred upon the licensee or registrant  
9 with the licensee's or registrant's updated legal name or gender.

10 A board shall not charge a higher fee for reissuing a document  
11 with a corrected or updated legal name or gender than the fee it  
12 charges for reissuing a document with other corrected or updated  
13 information.

14 (b) The documentation of a licensee or registrant sufficient to  
15 demonstrate a legal name or gender change includes, but is not  
16 limited to, any of the following:

17 (1) State-issued driver's license or identification card.

18 (2) Birth certificate.

19 (3) Passport.

20 (4) Social security card.

21 (5) Court order indicating a name change or a gender change.

22 (c) This section does not require a board to modify records that  
23 the licensee or registrant has not requested for modification or  
24 reissuance.

25 *SEC. 2. The Legislature finds and declares that Section 1 of*  
26 *this act, which adds Section 27.5 to the Business and Professions*  
27 *Code, imposes a limitation on the public's right of access to the*  
28 *meetings of public bodies or the writings of public officials and*  
29 *agencies within the meaning of Section 3 of Article I of the*  
30 *California Constitution. Pursuant to that constitutional provision,*  
31 *the Legislature makes the following findings to demonstrate the*  
32 *interest protected by this limitation and the need for protecting*  
33 *that interest:*

34 *In order to protect the privacy rights and safety of individuals,*  
35 *it is necessary that this act limit the public's right of access to that*  
36 *information.*

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## MEMORANDUM

<b>DATE</b>	April 7, 2023
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Troy Polk, Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item 4(b)(5) SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: Licensee's and registrants' addresses

### **Background:**

This bill prohibits the Board from disclosing the full address of record (AOR) on the internet of licensees and registered psychological associates. The bill would allow the Board to only disclose the city, state, and ZIP code of the address of record.

### **Action Requested**

Board staff recommends Board Members review the bill analysis and proposed bill language and consider a position.

Attachment 1: Senate Bill 373 bill analysis

Attachment 2: Senate Bill 373 proposed bill text

## 2023 Bill Analysis

<b>Author:</b> Senator Menjivar	<b>Bill Number:</b> SB 373	<b>Related Bills:</b> SB 492 SB 1889
<b>Sponsor:</b> Multiple Sponsors	<b>Version:</b> Introduced	
<b>Subject:</b> Address Protection Act of 2023		

### SUMMARY

The bill would prohibit the Board from disclosing the full address of record (AOR) on the internet of licensees and registered psychological associates. The bill would allow the Board to only disclose the city, state, and ZIP code of the AOR on the Department of Consumer Affairs (DCA) BreEZe online verification.

### RECOMMENDATION

**FOR DISCUSSION** – Staff recommend the Board discuss SB 373 and consider taking a position.

*Summary of Suggested Amendments*  
None on file.

### REASON FOR THE BILL

Per the author “Licensees under the Board of Behavioral Sciences and the Board of Psychology jeopardize their safety by having to put their personal home addresses in place of office addresses to obtain their licenses. This has placed licensees in an unsafe situation, potentially exposing them to angry clients, stalking, and ongoing harassment”. The author provides the example of providers who work for domestic violence nonprofits or in child welfare services are put in harm’s way and may cause unnecessary psychological damage since their right to privacy and comfort is limited.

### ANALYSIS

The Bill would amend Section 27 of the Business and Professions Code (BPC) which would require the Board not to disclose the AOR of licensees and registrants and would limit the online BreEZe display of the licensee or registrant’s (licensee) AOR to only show the city, state, and ZIP Code.

### Pros:

- Licensee’s full home address will no longer be presented online
- Reduced Impact on licensee privacy/safety
- No added expense for licensee to obtain a P.O. Box

**Cons:**

- Public cannot verify licensee service location(s)
- If a client needs to request records, the AOR will no longer be provided with the license search which may make it more difficult to provide a written request for records.

Currently, licensees are required to provide an AOR to the Board. They are notified on the Notice of Change and Address and on the Application for Registration as a Psychological Associate, that the AOR is public information, and is available to anyone and is used for all Board correspondence. The licensee is also given the option to list a P.O. Box as the AOR. The Board provides that if a P.O. Box is provided as the AOR, then a confidential physical business or residential address must be provided. This confidential address is for the Board to be able to correspond effectively with the licensee. If the licensee chooses the P.O. Box as their AOR, that address is listed on the Board's website.

As outlined in BPC 27, the Board along with sixteen other Boards under DCA are required to disclose public information on their licensees and registrants. This public information includes but is not limited to the licensee AOR.

There are twelve boards that are not in the current version of BPC 27. These Boards are only required to provide the city, state, and ZIP Code. In reviewing SB 492 that was chaptered on October 6, 1997, which established BPC 27, and reviewing the analysis of the bill, there was no explanation for the reason certain boards were included when other boards were not. The Board of Registered Nursing, which was not included in BPC 27 states on their application, that once the applicant is licensed their AOR must be disclosed to the public upon request in accordance with the Information Practices Act, Civil Code Section 1798.61, and BPC 161.

**LEGISLATIVE HISTORY**

SB 492 (Rosenthal, Chapter 661, Statutes of 1997)

Added Section 27 to the Business and Professions Code to require each state agency and reach regulatory board to provide public information on the internet

SB 1889 (Figueroa, Chapter 927, Statutes of 2000)

Required specified entities in the Department of Consumer Affairs that issue licenses to disclose information regarding the status of the licenses of their licensees on the Internet. This required those entities to disclose the addresses of record of licensees, those entities would also be authorized to require licensees to provide a physical business address or residence address, as specified.

**OTHER STATES' INFORMATION**

Not Applicable

**PROGRAM BACKGROUND**

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

**FISCAL IMPACT**

The Board currently has operational and processing procedures in place to update current licensee addresses. BreEZe currently has the functionality to process and update addresses including the AOR. In confirming with the BreEZe team, modifying the DCA license search does not require a commercial off the shelf change (COTS), and therefore the Board would not incur additional BreEZe costs from this bill, however, the Board would incur a cost to remove the full existing AOR, if the modification requires a change to the existing data design or its supporting data.

**ECONOMIC IMPACT**

Not Applicable

**LEGAL IMPACT**

Not Applicable

**APPOINTMENTS**

None on File

**SUPPORT/OPPOSITION**

**Support:** California Association of Marriage and Family Therapist (Co-Sponsor)  
California State Association of Psychiatrists (Co-Sponsor)  
California Association of Social Rehabilitation Agencies (Co-Sponsor)  
California Council of Community Behavioral Health Agencies (Co-Sponsor)  
California Psychological Association (Co-Sponsor)  
California Association for Licensed Professional Clinical Counselors (Co-Sponsor)  
National Association of Social Works – California Chapter (Co-Sponsor)  
Psychiatric Physicians Alliance of California (Co-Sponsor)

**Opposition:** None on File

**ARGUMENTS**

None on File

**Proponents:** None on File

**Opponents:** None on File

**AMENDMENTS**

None on File



**Introduced by Senator Menjivar**February 9, 2023

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An act to amend Sections 27 and 2021 of, and to add Sections 2937 and 4990.11 to, the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 373, as introduced, Menjivar. Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: licensees' and registrants' addresses.

Existing law creates the Department of Consumer Affairs, which is composed of various boards that license and regulate specified professions deemed to engage in activities that have potential impact upon the public health, safety, and welfare. Existing law requires the Board of Behavioral Sciences and Board of Psychology, among other boards, to post information regarding the status of every license issued by those boards on the board's internet website. Existing law exempts personal information of licensees from this disclosure requirement, including home telephone number, date of birth, and social security number.

This bill would prohibit the Board of Behavioral Sciences and the Board of Psychology from disclosing on the internet the address of record of certain licensees and registrants, but would authorize their disclosure of the city, state, and ZIP Code of the address of record of those licensees and registrants.

Existing law permits specified agencies within the Department of Consumer Affairs to publish a directory of its licensees.

This bill would prohibit the Medical Board of California from disclosing on its directory or internet website the address of record of

licensees who practice psychiatry, but would authorize their disclosure of the city, state, and ZIP Code of the address of record of those licensees.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 27 of the Business and Professions Code  
2 is amended to read:  
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)  
4 shall provide on the internet information regarding the status of  
5 every license issued by that entity in accordance with the California  
6 Public Records Act (Division 10 (commencing with Section  
7 7920.000) of Title 1 of the Government Code) and the Information  
8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public  
10 information to be provided on the internet shall include information  
11 on suspensions and revocations of licenses issued by the entity  
12 and other related enforcement action, including accusations filed  
13 pursuant to the Administrative Procedure Act (Chapter 3.5  
14 (commencing with Section 11340) of Part 1 of Division 3 of Title  
15 2 of the Government Code) taken by the entity relative to persons,  
16 businesses, or facilities subject to licensure or regulation by the  
17 entity. The information may not include personal information,  
18 including home telephone number, date of birth, or social security  
19 number. Each entity shall disclose a licensee’s address of record.  
20 However, each entity shall allow a licensee to provide a post office  
21 box number or other alternate address, instead of the licensee’s  
22 home address, as the address of record. This section shall not  
23 preclude an entity from also requiring a licensee, who has provided  
24 a post office box number or other alternative mailing address as  
25 the licensee’s address of record, to provide a physical business  
26 address or residence address only for the entity’s internal

1 administrative use and not for disclosure as the licensee’s address  
2 of record or disclosure on the internet.

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

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

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

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

16 (3) The Bureau of Household Goods and Services shall disclose  
17 information on its licensees, registrants, and permitholders.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 *(f) Notwithstanding subdivisions (a) and (c), the Board of*  
26 *Behavioral Sciences shall not disclose on the internet the address*  
27 *of record of their licensees and registrants. However, the board*  
28 *may disclose the city, state, and ZIP Code of the address of record*  
29 *for its licensees and registrants.*

30 *(g) Notwithstanding subdivisions (a) and (c), the Board of*  
31 *Psychology shall not disclose on the internet the address of record*  
32 *of their licensees and registered psychological associates.*  
33 *However, the board may disclose the city, state, and ZIP Code of*  
34 *the address of record for its licensees and registered psychological*  
35 *associates.*

36 (f)

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

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

1 2021. (a) If the board publishes a directory pursuant to Section  
2 112, it may require persons licensed pursuant to this chapter to  
3 furnish any information as it may deem necessary to enable it to  
4 compile the directory.

5 (b) Each licensee shall report to the board each and every change  
6 of address, including an email address, within 30 days after each  
7 change, giving both the old and new address. If an address reported  
8 to the board at the time of application for licensure or subsequently  
9 is a post office box, the applicant shall also provide the board with  
10 a street address. If another address is the licensee’s address of  
11 record, the licensee may request that the second address not be  
12 disclosed to the public.

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

16 (d) Each applicant and licensee shall have an electronic mail  
17 address and shall report to the board that electronic mail address  
18 no later than July 1, 2022. The electronic mail address shall be  
19 considered confidential and not subject to public disclosure.

20 (e) *The board shall not disclose on the directory or its internet*  
21 *website the address of record of licensees who practice psychiatry.*  
22 *However, the board may disclose the city, state, and ZIP Code of*  
23 *the address of record of such licensees.*

24 SEC. 3. Section 2937 is added to the Business and Professions  
25 Code, to read:

26 2937. Notwithstanding Section 27, the board shall not disclose  
27 on the internet the address of record of its licensees and registrants.  
28 However, the board may disclose the city, state, and ZIP Code of  
29 the address of record for its licensees and registrants.

30 SEC. 4. Section 4990.11 is added to the Business and  
31 Professions Code, to read:

32 4990.11. Notwithstanding Section 27, the board shall not  
33 disclose on the internet the address of record of its licensees and  
34 registrants. However, the board may disclose the city, state, and  
35 ZIP Code of the address of record for its licensees and registrants.

36 SEC. 5. The Legislature finds and declares that Section 1 of  
37 this act, which amends Section 27 of the Business and Professions  
38 Code, imposes a limitation on the public’s right of access to the  
39 meetings of public bodies or the writings of public officials and  
40 agencies within the meaning of Section 3 of Article I of the

1 California Constitution. Pursuant to that constitutional provision,  
2 the Legislature makes the following findings to demonstrate the  
3 interest protected by this limitation and the need for protecting  
4 that interest:

5 This act balances the public's right to access records of the  
6 entities within the Department of Consumer Affairs with the need  
7 to protect the privacy of licensees.

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