

AMENDED IN ASSEMBLY AUGUST 26, 2024

AMENDED IN ASSEMBLY AUGUST 22, 2024

AMENDED IN ASSEMBLY JUNE 19, 2024

AMENDED IN SENATE APRIL 17, 2024

SENATE BILL

No. 1451

Introduced by Senator Ashby

February 16, 2024

An act to amend Sections 115.4, 115.5, 115.6, 135.4, 1926, 2054, 2837.101, 2837.103, 2837.104, 2837.105, 3765, 4052.04, 4602, 4621, 7423, 8593, 8593.1, 9880.1, and 19237 of, to add Sections 2097.5, 4069, and 9880.5 to, and to repeal Section 1905.2 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1451, as amended, Ashby. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs, which is composed of boards that license and regulate various professions. Existing law imposes certain requirements on those boards to expedite licensure processes, waive specified licensing fees, or issue temporary licenses, depending on the criteria that the applicant satisfies. One of those provisions requires, among other things, the applicant to be, or to have been, an active duty member of the Armed Forces of the United States, as specified. Another provision requires that the applicant hold an out-of-state license in that profession or vocation and be married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces, as specified. Under a third provision's criteria, the applicant must have been admitted to the United States as

a refugee, have been granted asylum, or have a special immigrant visa, as specified.

This bill would specify that the term “applicant,” for purposes of the above-described provisions, refers to an applicant for an individual license and does not refer to applicants for business or entity licenses. The bill would prohibit a board from charging a fee for the issuance of a temporary license for an applicant who holds an out-of-state license in that profession or vocation and who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces, as specified. The bill would make conforming changes.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Existing law requires the dental hygiene board to submit recommendations regarding dental hygiene scope of practice issues to the Dental Board of California for approval, modification, or rejection, and authorizes the dental hygiene board to request the dental board to provide its reasons in writing for rejecting or significantly modifying the recommendation. Existing law authorizes a registered dental hygienist in alternative practice to perform specified duties in dental health professional shortage areas, as certified by the Department of Health Care Access and Information, in accordance with specified guidelines.

This bill would delete the provision requiring the Dental Board of California to approve, modify, or reject, and, if requested by the dental hygiene board, to provide reasons for rejecting or significantly modifying, the above-described recommendations submitted by the dental hygiene board. The bill would authorize a registered dental hygienist in alternative practice with an existing practice in a dental health professional shortage area to continue to provide dental hygiene services if certification by the department is removed and the registered dental hygienist in alternative practice annually provides specified information to certain patients.

(3) Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law sets the expiration for a physician’s and surgeon’s license at 12 midnight on the last day of the month in which the license was issued during the second year of a two-year term commencing from the date of issuance. Existing law requires a physician and surgeon issued a license on or after January 1, 2022, at the time of initial license renewal, to show evidence that the licensee has received at least 36

months of board-approved postgraduate training. Existing law authorizes the board to grant an additional 60 days to the expiration date of that initial license.

This bill would instead require an initial physician's and surgeon's license issued on or after January 1, 2025, to be for a period of 26 months. The bill would also authorize a physician's and surgeon's certificate issued on or after January 1, 2022, to be renewed for the first time if the board receives evidence that the licensee is enrolled in a California board-approved postgraduate training program at the time the license expires, and would require evidence at the time of their second renewal that the licensee has received credit for at least 36 months of board-approved postgraduate training. The bill would require the relevant postgraduate training program director to report to the board within 30 days if a licensee who renews their license for the first time pursuant to these provisions is disenrolled from their training program, as specified.

Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.

This bill would add the initials "D.O." to the list of prohibited terms under that provision. The bill would also prohibit a person from using the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that the person is a licensed "M.D." or "D.O." By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would also authorize certain persons to use the words "doctor" or "physician," the letters or prefix "Dr.," or the initials "M.D." or "D.O."

(4) Existing law, the Nursing Practice Act, provides for the licensure and certification of nurse practitioners by the Board of Registered Nursing. Existing law requires the Office of Professional Examination Services in the Department of Consumer Affairs, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing specified functions, and requires the board and the office to assess the alignment of competencies tested in the national nurse practitioner certification examination with the occupational analysis.

This bill would make the provision requiring the assessment of the alignment of competencies inapplicable to a national nurse practitioner certification examination discontinued before January 1, 2017.

(5) Existing law establishes the Nurse Practitioner Advisory Committee to advise and give recommendations to the board on matters relating to nurse practitioners. Existing law requires the board, by regulation, to define minimum standards for transition to practice, as defined, and provides that clinical experience may include experience obtained before January 1, 2021, if the experience meets requirements established by the board.

This bill would specify that, for purposes of transition to practice, clinical experience shall not be limited to experience in a single category in which a nurse practitioner may practice, as specified, and would prohibit experience obtained before a person is certified as a nurse practitioner from being considered clinical experience for purposes of transition to practice requirements.

Existing law authorizes a nurse practitioner to perform specified functions without standardized procedures if the nurse practitioner satisfies certain requirements, including having completed a transition to practice in California of 3 full-time equivalent years of practice, or 4,600 hours.

This bill would deem a nurse practitioner who has been practicing as a nurse practitioner in direct patient care for 3 full-time equivalent years or 4,600 hours within the last 5 years, as indicated on the application, to have satisfied this requirement. The bill would require proof of completion of one transition to practice to be provided to the board as an attestation from either a licensed physician and surgeon or a nurse practitioner. The bill would prohibit the board from requiring a nurse practitioner practicing under those provisions to tell a patient that the patient has a right to see a physician and surgeon, and would delete a provision requiring the nurse practitioner to use a certain phrase to inform Spanish language speakers that the nurse practitioner is not a physician and surgeon.

(6) Existing law, the Pharmacy Law, establishes the California State Board of Pharmacy to license and regulate the practice of pharmacy. Existing law authorizes a pharmacist to provide consultation to a patient about, among other things, drug therapy, disease management, and disease prevention. Existing law, until January 1, 2025, authorizes a pharmacist to furnish COVID-19 oral therapeutics, as defined, following

a positive test for SARS-CoV-2, the virus that causes COVID-19, in accordance with specified requirements.

This bill would require a pharmacist who dispenses or furnishes a dangerous drug pursuant to a veterinary prescription to include, as part of the consultation, the option for a representative of an animal patient to also receive drug documentation specifically designed for veterinary drugs. The bill would extend the operation of the provisions authorizing a pharmacist to furnish COVID-19 oral therapeutics until January 1, 2026.

(7) Existing law, the Respiratory Care Practice Act, establishes the Respiratory Care Board of California to license and regulate the practice of respiratory care. Existing law authorizes a licensed vocational nurse who is employed by a home health agency to perform respiratory tasks and services identified by the board if, on or before January 1, 2025, the licensed vocational nurse has completed patient-specific training satisfactory to their employer, and, on and after January 1, 2025, the licensed vocational nurse has completed that training in accordance with guidelines promulgated by the Respiratory Care Board of California, in collaboration with the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

This bill would extend those dates to January 1, 2028. The bill, on and after January 1, 2028, would also authorize a licensed vocational nurse to perform respiratory care services identified by the board while practicing in certain settings identified in the bill if the licensed vocational nurse has completed patient-specific training satisfactory to their employer and holds a current and valid certification of competency for each respiratory task to be performed, as specified.

(8) Existing law, the Massage Therapy Act, until January 1, 2027, provides for the voluntary certification of massage therapists by the California Massage Therapy Council, a private nonprofit entity. The council is governed by a board of directors composed of 13 members, of which 10 members are appointed by various organizations and associations, as specified. The appointing entities are not required to exercise the right to appoint. The 10 appointed members, at a duly held board meeting in accordance with the board's bylaws, are required to appoint 3 additional members with specified qualifications. Board member terms are 4 years.

This bill would modify those terms to be for 4 years and until the appointment and qualification of a board member's successor or until one year from the expiration of the term for which the member was

appointed, whichever occurs first. A board member who has served 2 terms would not be eligible for reappointment to the board regardless of the appointing authority. The bill would require a board member who, as of January 1, 2025, has served on the board for 8 out of the preceding 10 years, regardless of the appointing authority, to vacate their appointment no later than July 1, 2025. Under the bill, a decision to change the appointing authority of any member appointed to the board would not be effective unless the current member has completed their term under these provisions or the appointment is vacant. The bill would provide that a board member may be removed only by their appointing authority under prescribed conditions.

This bill would move the repeal date of the act to January 1, 2026.

(9) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology to license and regulate barbering and cosmetology, and establishes a hairstylist application and examination fee of \$50 or a fee determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination.

This bill would instead require the hairstylist application and examination fee to be the actual cost to the board for developing, purchasing, grading, and administering the examination, and would establish that an initial licensee fee for a hairstylist shall be not more than \$50.

(10) Existing law establishes the Structural Pest Control Board in the Department of Consumer Affairs to license and regulate structural pest control operators, structural pest control field representatives, and structural pest control applicators. Existing law requires those licensees, as a condition of license renewal, to submit proof to the board that they have informed themselves of the developments in the field of pest control by completing continuing education courses or equivalent activity approved by the board, or taking and completing an examination given by the board, as specified.

This bill would delete the authorization for a licenseholder to take and complete an examination given by the board to satisfy that requirement.

(11) Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs for the registration and regulation of automotive repair dealers. Existing law defines terms for purposes of the act, including defining “automotive repair dealer” to mean a person who,

for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles, or engages in the business of collecting compensation for automotive repair services that are referred or sublet to someone other than the dealer or their employees. The act further defines “person” to include a firm, partnership, association, limited liability company, or corporation. A violation of the act is a crime.

This bill would require the bureau to license a federally recognized tribe, as defined, that applies for licensure and is otherwise compliant with the act for the purpose of engaging in a business regulated by the act. The bill would expand the term “person” to include a participating tribe and would further define “participating tribe” to mean a federally recognized tribe that formally applies for licensure from the bureau pursuant to the bill. The bill would exempt a participating tribe from any requirement to register with the Secretary of State, maintain good standing with the Secretary of State, provide a corporate number issued by the Secretary of State, or any other associated requirement.

(12) Existing law, the Household Movers Act, provides for the licensure and regulation of household movers by the Division of Household Movers within the Bureau of Household Goods and Services. The act prohibits a household mover from engaging in the business of specified transportation of used household goods and personal effects by motor vehicle in the state without a permit issued by the bureau. The act also prohibits a household mover from engaging in the business of the interstate transportation of those items into or out of this state without a valid operating authority issued by the Federal Motor Carrier Safety Administration. The act prohibits the issuance of a permit unless the applicant establishes their knowledge and ability to engage in business as a household mover by examination. The act requires a permit applicant to meet certain residence requirements, as specified.

This bill would exempt an applicant whose principal place of business is not in this state from the residency requirements but would require that the applicant file with the bureau a designation of persons upon whom court or agency process may be served in this state made pursuant to specified federal regulations. The bill would exempt an applicant from examination if they only conduct interstate household moves, but would require the applicant to file an affidavit with the bureau stating it shall not conduct any intrastate household moves in this state. The bill would require the bureau to identify household movers that are authorized to conduct intrastate and interstate moves in the state on its internet website.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 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 has served as
7 an active duty member of the Armed Forces of the United States
8 and was honorably discharged.

9 (b) Notwithstanding any other law, on and after July 1, 2024,
10 a board within the department shall expedite, and may assist, the
11 initial licensure process for an applicant who supplies satisfactory
12 evidence to the board that the applicant is an active duty member
13 of a regular component of the Armed Forces of the United States
14 enrolled in the United States Department of Defense SkillBridge
15 program as authorized under Section 1143(e) of Title 10 of the
16 United States Code.

17 (c) A board may adopt regulations necessary to administer this
18 section in accordance with the provisions of Chapter 3.5
19 (commencing with Section 11340) of Part 1 of Division 3 of Title
20 2 of the Government Code.

21 (d) For purposes of this section, the term “applicant” refers to
22 an applicant for an individual license and does not refer to
23 applicants for business or entity licenses.

24 SEC. 2. Section 115.5 of the Business and Professions Code
25 is amended to read:

26 115.5. (a) A board within the department shall expedite the
27 licensure process and waive the licensure application fee and the
28 initial or original license fee charged by the board for an applicant
29 who meets both of the following requirements:

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

6 (2) Holds a current license in another state, district, or territory
7 of the United States in the profession or vocation for which the
8 applicant seeks a license from the board.

9 (b) A board may adopt regulations necessary to administer this
10 section.

11 (c) For purposes of this section, the term “applicant” refers to
12 an applicant for an individual license and does not refer to
13 applicants for business or entity licenses.

14 SEC. 3. Section 115.6 of the Business and Professions Code
15 is amended to read:

16 115.6. (a) (1) Except as provided in subdivision (j), a board
17 within the department shall, after appropriate investigation, issue
18 a temporary license to practice a profession or vocation to an
19 applicant who meets the requirements set forth in subdivisions (c)
20 and (d).

21 (2) Revenues from fees for temporary licenses issued by the
22 California Board of Accountancy shall be credited to the
23 Accountancy Fund in accordance with Section 5132.

24 (b) The board may conduct an investigation of an applicant for
25 purposes of denying or revoking a temporary license issued
26 pursuant to this section. This investigation may include a criminal
27 background check.

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

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

35 (2) The applicant shall hold a current, active, and unrestricted
36 license that confers upon the applicant the authority to practice,
37 in another state, district, or territory of the United States, the
38 profession or vocation within the same scope for which the
39 applicant seeks a temporary license from the board.

1 (3) The applicant shall submit an application to the board that
2 shall include a signed affidavit attesting to the fact that the
3 applicant meets all of the requirements for the temporary license,
4 and that the information submitted in the application is accurate,
5 to the best of the applicant's knowledge. The application shall also
6 include written verification from the applicant's original licensing
7 jurisdiction stating that the applicant's license is in good standing
8 in that jurisdiction.

9 (4) The applicant shall not have committed an act in any
10 jurisdiction that would have constituted grounds for denial,
11 suspension, or revocation of the license under this code at the time
12 the act was committed. A violation of this paragraph may be
13 grounds for the denial or revocation of a temporary license issued
14 by the board.

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

19 (6) (A) The applicant shall, upon request by a board, furnish a
20 full set of fingerprints for purposes of conducting a criminal
21 background check.

22 (B) The board shall request a fingerprint-based criminal history
23 information check from the Department of Justice in accordance
24 with subdivision (u) of Section 11105 of the Penal Code and the
25 Department of Justice shall furnish state or federal criminal history
26 information in accordance with subdivision (p) of Section 11105
27 of the Penal Code.

28 (d) The applicant shall pass a California law and ethics
29 examination if otherwise required by the board for the profession
30 or vocation for which the applicant seeks licensure.

31 (e) Except as specified in subdivision (g), a board shall issue a
32 temporary license pursuant to this section within 30 days of
33 receiving documentation that the applicant has met the
34 requirements specified in subdivisions (c) and (d) if the results of
35 the criminal background check do not show grounds for denial.

36 (f) (1) A temporary license issued pursuant to this section may
37 be immediately terminated upon a finding that the temporary
38 licenseholder failed to meet any of the requirements described in
39 subdivision (c) or (d) or provided substantively inaccurate
40 information that would affect the person's eligibility for temporary

1 licensure. Upon termination of the temporary license, the board
2 shall issue a notice of termination that shall require the temporary
3 licenseeholder to immediately cease the practice of the licensed
4 profession upon receipt.

5 (2) Notwithstanding any other law, if, after notice and an
6 opportunity to be heard, a board finds that a temporary
7 licenseeholder engaged in unprofessional conduct or any other act
8 that is a cause for discipline by the board, the board shall revoke
9 the temporary license.

10 (g) An applicant seeking a temporary license as a civil engineer,
11 geotechnical engineer, structural engineer, land surveyor,
12 professional geologist, professional geophysicist, certified
13 engineering geologist, or certified hydrogeologist pursuant to this
14 section shall successfully pass the appropriate California-specific
15 examination or examinations required for licensure in those
16 respective professions by the Board for Professional Engineers,
17 Land Surveyors, and Geologists. The board shall issue a temporary
18 license pursuant to this subdivision within 30 days of receiving
19 documentation that the applicant has met the requirements specified
20 in this subdivision and subdivisions (c) and (d) if the results of the
21 criminal background check do not show grounds for denial.

22 (h) A temporary license issued pursuant to this section is
23 nonrenewable and shall expire 12 months after issuance, upon
24 issuance or denial of a standard license, upon issuance or denial
25 of a license by endorsement, or upon issuance or denial of an
26 expedited license pursuant to Section 115.5, whichever occurs
27 first.

28 (i) A board shall submit to the department for approval, if
29 necessary to implement this section, draft regulations necessary
30 to administer this section. These regulations shall be adopted
31 pursuant to the Administrative Procedure Act (Chapter 3.5
32 (commencing with Section 11340) of Part 1 of Division 3 of Title
33 2 of the Government Code).

34 (j) (1) This section shall not apply to a board that has a process
35 in place by which an out-of-state licensed applicant in good
36 standing who is married to, or in a domestic partnership or other
37 legal union with, an active duty member of the Armed Forces of
38 the United States is able to receive expedited, temporary
39 authorization to practice while meeting state-specific requirements
40 for a period of at least one year or is able to receive an expedited

1 license by endorsement with no additional requirements
2 superseding those described in subdivisions (c) and (d).

3 (2) This section shall apply only to the extent that it does not
4 amend an initiative or violate constitutional requirements.

5 (k) An applicant for a temporary license pursuant to this section
6 shall not be required to provide, and no board shall collect, a fee
7 for the application or issuance of a temporary license.

8 (l) For purposes of this section, the term “applicant” refers to
9 an applicant for an individual license and does not refer to
10 applicants for business or entity licenses.

11 SEC. 4. Section 135.4 of the Business and Professions Code
12 is amended to read:

13 135.4. (a) Notwithstanding any other law, a board within the
14 department shall expedite, and may assist, the initial licensure
15 process for an applicant who supplies satisfactory evidence to the
16 board that they have been admitted to the United States as a refugee
17 under Section 1157 of Title 8 of the United States Code, have been
18 granted asylum by the Secretary of Homeland Security or the
19 Attorney General of the United States pursuant to Section 1158
20 of Title 8 of the United States Code, or they have a special
21 immigrant visa (SIV) that has been granted a status under Section
22 1244 of Public Law 110-181, under Public Law 109-163, or under
23 Section 602(b) of Title VI of Division F of Public Law 111-8.

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

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

30 (d) For purposes of this section, “applicant” refers to an
31 applicant for an individual license and does not refer to applicants
32 for business or entity licenses.

33 SEC. 5. Section 1905.2 of the Business and Professions Code
34 is repealed.

35 SEC. 6. Section 1926 of the Business and Professions Code is
36 amended to read:

37 1926. In addition to practices authorized in Section 1925, a
38 registered dental hygienist in alternative practice may perform the
39 duties authorized pursuant to subdivision (a) of Section 1907,

1 subdivision (a) of Section 1908, and subdivisions (a) and (b) of
2 Section 1910 in the following settings:

3 (a) Residences of the homebound.
4 (b) Schools.

5 (c) Residential facilities and other institutions and medical
6 settings that a residential facility patient has been transferred to
7 for outpatient services.

8 (d) Dental health professional shortage areas, as certified by the
9 Department of Health Care Access and Information in accordance
10 with existing office guidelines. If the dental health professional
11 shortage area certification is removed, a registered dental hygienist
12 in alternative practice with an existing practice in the area may
13 continue to provide dental hygiene services, and shall annually
14 provide patients treated at an existing practice with a list of dentists
15 in the previous dental health professional shortage area who may
16 be able to see the patient for comprehensive services.

17 (e) Dental offices.

18 SEC. 7. Section 2054 of the Business and Professions Code is
19 amended to read:

20 2054. (a) Any person who uses in any sign, business card, or
21 letterhead, or, in an advertisement, the words "doctor" or
22 "physician," the letters or prefix "Dr.," the initials "M.D." or
23 "D.O.," or any other terms or letters indicating or implying that
24 the person is a physician and surgeon, physician, surgeon, or
25 practitioner under the terms of this or any other law, or that the
26 person is entitled to practice hereunder, or who represents or holds
27 themselves out as a physician and surgeon, physician, surgeon, or
28 practitioner under the terms of this or any other law, without having
29 at the time of so doing a valid, unrevoked, and unsuspended
30 certificate as a physician and surgeon under this chapter, is guilty
31 of a misdemeanor. No person shall use the words "doctor" or
32 "physician," the letters or prefix "Dr.," the initials "M.D." or
33 "D.O.," or any other terms or letters indicating or implying that
34 the person is a physician and surgeon, physician, surgeon, or
35 practitioner in a health care setting that would lead a reasonable
36 patient to determine that person is a licensed "M.D." or "D.O."

37 (b) Notwithstanding subdivision (a), any of the following
38 persons may use the words "doctor" or "physician," the letters or
39 prefix "Dr.," or the initials "M.D." or "D.O.":

1 (1) A graduate of a medical or an osteopathic medical school
2 approved or recognized by the medical or osteopathic medical
3 board while enrolled in a postgraduate training program approved
4 by the board.

5 (2) A graduate of a medical or an osteopathic medical school
6 who does not have a certificate as a physician and surgeon under
7 this chapter if the individual meets all of the following
8 requirements:

9 (A) If issued a license to practice medicine in any jurisdiction,
10 has not had that license revoked or suspended by that jurisdiction.

11 (B) Does not otherwise hold themselves out as a physician and
12 surgeon entitled to practice medicine in this state except to the
13 extent authorized by this chapter.

14 (C) Does not engage in any of the acts prohibited by Section
15 2060.

16 (3) A person authorized to practice medicine under Section 2111
17 or 2113 subject to the limitations set forth in those sections.

18 (4) A person holding a current and active license under ~~another~~
19 ~~chapter of~~ this division or any initiative act referred to in this
20 division, to the extent the use of the title is consistent with the act
21 governing the practice of that license.

22 (5) A person whose use of the word “doctor” or the prefix “Dr.”
23 is not associated with any claim of entitlement to practice medicine
24 or any other professional service for which the use of the title
25 would be untrue or misleading pursuant to Section 17500.

26 SEC. 8. Section 2097.5 is added to the Business and Professions
27 Code, to read:

28 2097.5. (a) (1) Notwithstanding Section 2097, a physician’s
29 and surgeon’s license may be renewed for the first time if the board
30 receives evidence satisfactory to the board that the licensee is
31 enrolled in a California board-approved postgraduate training
32 program at the time the license expires.

33 (2) The relevant postgraduate training program director shall
34 report to the board within 30 days, on a form approved by the
35 board, if a licensee who renews their license pursuant to this
36 subdivision is disenrolled from their training program for any
37 reason, including, but not limited to, resignation, termination, or
38 graduation.

39 (b) If a physician’s and surgeon’s license is initially renewed
40 pursuant to subdivision (a), then, at the time of their second

1 renewal, in addition to any other requirements, the board shall
2 require evidence satisfactory to the board that the licensee has
3 received credit for at least 36 months of board-approved
4 postgraduate training, pursuant to the attestation of the program
5 director, designated institutional official, or delegated authority
6 for the approved postgraduate training program where the applicant
7 participated. A licensee who fails to meet the requirements of this
8 subdivision shall be automatically placed in delinquent status by
9 the board.

10 (c) If a physician's and surgeon's license is initially renewed
11 pursuant to subdivision (a) and the licensee is disenrolled from the
12 relevant California board-approved postgraduate training program,
13 the board may place the relevant license in delinquent status if the
14 board does not receive evidence satisfactory to the board that the
15 licensee has received credit for at least 36 months of
16 board-approved postgraduate training. If placed on delinquent
17 status, that license shall be returned to current status upon the board
18 receiving evidence satisfactory to the board that the licensee is
19 enrolled in a California board-approved postgraduate training
20 program or has received credit for at least 36 months of
21 board-approved postgraduate training before their license changes
22 to canceled status, pursuant to Section 2428. Any license status
23 change made pursuant to this subdivision shall not relieve the
24 licensee of the license renewal requirements of subdivision (b).

25 (d) (1) Notwithstanding any other law, the board shall issue an
26 initial physician's and surgeon's license for a period of 26 months.

27 (2) A renewed physician's and surgeon's license shall be subject
28 to the requirements of Section 2423.

29 (e) Upon review of supporting documentation, the board, in its
30 discretion, may renew a physician's and surgeon's license for an
31 applicant who has demonstrated substantial compliance with this
32 section.

33 (f) A physician whose license is canceled or who surrenders
34 their license prior to meeting the renewal requirements of either
35 subdivision (b) or (c) is subject to the reinstatement requirements
36 of subdivision (e) of Section 2097.

37 (g) (1) Except as provided in paragraph (2), this section only
38 applies to individuals who are issued an initial physician's and
39 surgeon's license by the board on or after January 1, 2022.

1 (2) Paragraph (1) of subdivision (d) only applies to individuals
2 who are issued an initial license on or after January 1, 2025.

3 (h) This section shall not apply to the Osteopathic Medical
4 Board of California.

5 SEC. 9. Section 2837.101 of the Business and Professions
6 Code is amended to read:

7 2837.101. For purposes of this article, the following terms have
8 the following meanings:

9 (a) "Committee" means the Nurse Practitioner Advisory
10 Committee.

11 (b) "Standardized procedures" has the same meaning as that
12 term is defined in Section 2725.

13 (c) "Transition to practice" means additional clinical experience
14 and mentorship provided to prepare a nurse practitioner to practice
15 independently. "Transition to practice" includes, but is not limited
16 to, managing a panel of patients, working in a complex health care
17 setting, interpersonal communication, interpersonal collaboration
18 and team-based care, professionalism, and business management
19 of a practice. The board shall, by regulation, define minimum
20 standards for transition to practice. For purposes of the transition
21 to practice:

22 (1) Clinical experience shall not be limited to experience in a
23 single category that a nurse practitioner may practice in pursuant
24 to Section 2836.

25 (2) Clinical experience may include experience obtained before
26 January 1, 2021, but clinical experience obtained before a person
27 is certified by the board as a nurse practitioner shall not be
28 included.

29 SEC. 10. Section 2837.103 of the Business and Professions
30 Code is amended to read:

31 2837.103. (a) (1) Notwithstanding any other law, a nurse
32 practitioner may perform the functions specified in subdivision
33 (c) pursuant to that subdivision, in a setting or organization
34 specified in paragraph (2) pursuant to that paragraph, if the nurse
35 practitioner has successfully satisfied the following requirements:

36 (A) Passed a national nurse practitioner board certification
37 examination and, if applicable, any supplemental examination
38 developed pursuant to paragraph (4) of subdivision (a) of Section
39 2837.105.

1 (B) Holds a certification as a nurse practitioner from a national
2 certifying body accredited by the National Commission for
3 Certifying Agencies or the American Board of Nursing Specialties
4 and recognized by the board.

5 (C) Provides documentation that educational training was
6 consistent with standards established by the board pursuant to
7 Section 2836 and any applicable regulations as they specifically
8 relate to requirements for clinical practice hours. Online educational
9 programs that do not include mandatory clinical hours shall not
10 meet this requirement.

11 (D) Has completed a transition to practice in California of a
12 minimum of three full-time equivalent years of practice or 4600
13 hours. A nurse practitioner who has been practicing as a nurse
14 practitioner in direct patient care for a minimum of three full-time
15 equivalent years or 4,600 hours within the last five years, as
16 indicated on the application, may be deemed to have satisfied this
17 requirement. For purposes of this subparagraph:

18 (i) Proof of completion of one transition to practice shall be
19 provided to the board, on a form prescribed by the board, as an
20 attestation from either a licensed physician and surgeon, a certified
21 nurse practitioner practicing pursuant to this section, or a certified
22 nurse practitioner practicing pursuant to Section 2837.104.

23 (ii) A licensed physician and surgeon or a certified nurse
24 practitioner who attests to the completion of a transition to practice
25 is not required to specialize in the same category as the applicant
26 pursuant to Section 2836.

27 (iii) A licensed physician and surgeon or a certified nurse
28 practitioner practicing pursuant to this section or Section 2837.104
29 who attests to the completion of a transition to practice is not
30 required to verify competence, clinical expertise, or any other
31 standards related to the practice of the applicant and shall only
32 attest to the completion of the transition to practice, as defined in
33 Section 2837.101.

34 (iv) A licensed physician and surgeon or a certified nurse
35 practitioner practicing pursuant to this section or Section 2837.104
36 who attests to the completion of a transition to practice shall not
37 be subject to civil, criminal, administrative, disciplinary,
38 employment, credentialing, professional discipline, contractual
39 liability, or medical staff action, sanction, or penalty or other
40 liability for providing an attestation or refusing to provide an

1 attestation pursuant to this section unless the attestation was
2 produced fraudulently.

3 (2) A nurse practitioner who meets all of the requirements of
4 paragraph (1) may practice, including, but not limited to,
5 performing the functions authorized pursuant to subdivision (c),
6 in one of the following settings or organizations in which one or
7 more physicians and surgeons practice with the nurse practitioner
8 without standardized procedures:

9 (A) A clinic, as defined in Section 1200 of the Health and Safety
10 Code.

11 (B) A health facility, as defined in Section 1250 of the Health
12 and Safety Code, except for the following:

13 (i) A correctional treatment center, as defined in paragraph (1)
14 of subdivision (j) of Section 1250 of the Health and Safety Code.

15 (ii) A state hospital, as defined in Section 4100 of the Welfare
16 and Institutions Code.

17 (C) A facility described in Chapter 2.5 (commencing with
18 Section 1440) of Division 2 of the Health and Safety Code.

19 (D) A medical group practice, including a professional medical
20 corporation, as defined in Section 2406, another form of
21 corporation controlled by physicians and surgeons, a medical
22 partnership, a medical foundation exempt from licensure, or another
23 lawfully organized group of physicians and surgeons that provides
24 health care services.

25 (E) A home health agency, as defined in Section 1727 of the
26 Health and Safety Code.

27 (F) A hospice facility licensed pursuant to Chapter 8.5
28 (commencing with Section 1745) of Division 2 of the Health and
29 Safety Code.

30 (3) In health care agencies that have governing bodies, as
31 defined in Division 5 of Title 22 of the California Code of
32 Regulations, including, but not limited to, Sections 70701 and
33 70703 of Title 22 of the California Code of Regulations, the
34 following apply:

35 (A) A nurse practitioner shall adhere to all applicable bylaws.

36 (B) A nurse practitioner shall be eligible to serve on medical
37 staff and hospital committees.

38 (C) A nurse practitioner shall be eligible to attend meetings of
39 the department to which the nurse practitioner is assigned. A nurse
40 practitioner shall not vote at department, division, or other meetings

1 unless the vote is regarding the determination of nurse practitioner
2 privileges with the organization, peer review of nurse practitioner
3 clinical practice, whether a licensee's employment is in the best
4 interest of the communities served by a hospital pursuant to Section
5 2401, or the vote is otherwise allowed by the applicable bylaws.

6 (b) An entity described in subparagraphs (A) to (F), inclusive,
7 of paragraph (2) of subdivision (a) shall not interfere with, control,
8 or otherwise direct the professional judgment of a nurse practitioner
9 functioning pursuant to this section in a manner prohibited by
10 Section 2400 or any other law.

11 (c) In addition to any other practices authorized by law, a nurse
12 practitioner who meets the requirements of paragraph (1) of
13 subdivision (a) may perform the following functions without
14 standardized procedures in accordance with their education and
15 training:

16 (1) Conduct an advanced assessment.

17 (2) (A) Order, perform, and interpret diagnostic procedures.

18 (B) For radiologic procedures, a nurse practitioner can order
19 diagnostic procedures and utilize the findings or results in treating
20 the patient. A nurse practitioner may perform or interpret clinical
21 laboratory procedures that they are permitted to perform under
22 Section 1206 and under the federal Clinical Laboratory
23 Improvement Act (CLIA).

24 (3) Establish primary and differential diagnoses.

25 (4) Prescribe, order, administer, dispense, procure, and furnish
26 therapeutic measures, including, but not limited to, the following:

27 (A) Diagnose, prescribe, and institute therapy or referrals of
28 patients to health care agencies, health care providers, and
29 community resources.

30 (B) Prescribe, administer, dispense, and furnish pharmacological
31 agents, including over-the-counter, legend, and controlled
32 substances.

33 (C) Plan and initiate a therapeutic regimen that includes ordering
34 and prescribing nonpharmacological interventions, including, but
35 not limited to, durable medical equipment, medical devices,
36 nutrition, blood and blood products, and diagnostic and supportive
37 services, including, but not limited to, home health care, hospice,
38 and physical and occupational therapy.

39 (5) After performing a physical examination, certify disability
40 pursuant to Section 2708 of the Unemployment Insurance Code.

1 (6) Delegate tasks to a medical assistant pursuant to Sections
2 1206.5, 2069, 2070, and 2071, and Article 2 (commencing with
3 Section 1366) of Chapter 3 of Division 13 of Title 16 of the
4 California Code of Regulations.

5 (d) A nurse practitioner practicing under this section and not
6 working under standardized procedures shall inform all new
7 patients in a language understandable to the patient that a nurse
8 practitioner is not a physician and surgeon.

9 (e) A nurse practitioner shall not be required to tell a patient the
10 patient has a right to see a physician and surgeon.

11 (f) A nurse practitioner practicing under this section and not
12 working under standardized procedures shall post a notice in a
13 conspicuous location accessible to public view that the nurse
14 practitioner is regulated by the Board of Registered Nursing. The
15 notice shall include the board's telephone number and the internet
16 website where the nurse practitioner's license may be checked and
17 complaints against the nurse practitioner may be made.

18 (g) A nurse practitioner shall refer a patient to a physician and
19 surgeon or other licensed health care provider if a situation or
20 condition of a patient is beyond the scope of the education and
21 training of the nurse practitioner.

22 (h) A nurse practitioner practicing under this section shall have
23 professional liability insurance appropriate for the practice setting.

24 (i) Any health care setting operated by the Department of
25 Corrections and Rehabilitation is exempt from this section.

26 SEC. 11. Section 2837.104 of the Business and Professions
27 Code is amended to read:

28 2837.104. (a) Beginning January 1, 2023, notwithstanding
29 any other law, the following apply to a nurse practitioner who
30 holds an active certification issued by the board pursuant to
31 subdivision (b):

32 (1) The nurse practitioner may perform the functions specified
33 in subdivision (c) of Section 2837.103 pursuant to that subdivision
34 outside of the settings or organizations specified under
35 subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision
36 (a) of Section 2837.103.

37 (2) Subject to subdivision (g) and any applicable conflict of
38 interest policies of the bylaws, the nurse practitioner shall be
39 eligible for membership of an organized medical staff.

1 (3) Subject to subdivision (g) and any applicable conflict of
2 interest policies of the bylaws, a nurse practitioner member may
3 vote at meetings of the department to which nurse practitioners
4 are assigned.

5 (b) The board shall issue a certificate to perform the functions
6 specified in subdivision (c) of Section 2837.103 pursuant to that
7 subdivision outside of the settings and organizations specified
8 under subparagraphs (A) to (F), inclusive, of paragraph (2) of
9 subdivision (a) of Section 2837.103, if the nurse practitioner
10 satisfies all of the following requirements:

11 (1) Meets all of the requirements specified in paragraph (1) of
12 subdivision (a) of Section 2837.103.

13 (2) Holds a valid and active license as a registered nurse in
14 California and a master's degree in nursing or in a clinical field
15 related to nursing or a doctoral degree in nursing.

16 (3) Has practiced as a nurse practitioner in good standing for at
17 least three years, not inclusive of the transition to practice required
18 pursuant to subparagraph (D) of paragraph (1) of subdivision (a)
19 of Section 2837.103. The board may, at its discretion, lower this
20 requirement for a nurse practitioner holding a Doctorate of Nursing
21 Practice degree (DNP) based on practice experience gained in the
22 course of doctoral education experience.

23 (c) A nurse practitioner authorized to practice pursuant to this
24 section shall comply with all of the following:

25 (1) The nurse practitioner, consistent with applicable standards
26 of care, shall not practice beyond the scope of their clinical and
27 professional education and training, including specific areas of
28 concentration and shall only practice within the limits of their
29 knowledge and experience and national certification.

30 (2) The nurse practitioner shall consult and collaborate with
31 other healing arts providers based on the clinical condition of the
32 patient to whom health care is provided. Physician consultation
33 shall be obtained as specified in the individual protocols and under
34 the following circumstances:

35 (A) Emergent conditions requiring prompt medical intervention
36 after initial stabilizing care has been started.

37 (B) Problem which is not resolving as anticipated after an
38 ongoing evaluation and management of the situation.

39 (C) History, physical, or lab findings inconsistent with the
40 clinical perspective.

1 (D) Upon request of patient.

2 (3) Nurse practitioner consultation with a physician and surgeon
3 alone shall not create a physician-patient relationship. The nurse
4 practitioner shall be solely responsible for the services they provide.

5 (4) The nurse practitioner shall establish a plan for referral of
6 complex medical cases and emergencies to a physician and surgeon
7 or other appropriate healing arts providers. The nurse practitioner
8 shall have an identified referral plan specific to the practice area,
9 that includes specific referral criteria. The referral plan shall
10 address the following:

11 (A) Whenever situations arise which go beyond the competence,
12 scope of practice, or experience of the nurse practitioner.

13 (B) Whenever patient conditions fail to respond or the patient
14 is acutely decompensating in a manner that is not consistent with
15 the progression of the disease and corresponding treatment plan.

16 (C) Any patient with a rare condition.

17 (D) Any patient conditions that do not fit the commonly accepted
18 diagnostic pattern for a disease or disorder.

19 (E) All emergency situations after initial stabilizing care has
20 been started.

21 (d) A nurse practitioner practicing under this section and not
22 working under standardized procedures shall inform all new
23 patients in a language understandable to the patient that a nurse
24 practitioner is not a physician and surgeon.

25 (e) A nurse practitioner practicing under this section and not
26 working under standardized procedures shall not be required by
27 the board to tell a patient that the patient has a right to see a
28 physician and surgeon.

29 (f) A nurse practitioner practicing under this section and not
30 working under standardized procedures shall post a notice in a
31 conspicuous location accessible to public view that the nurse
32 practitioner is regulated by the Board of Registered Nursing. The
33 notice shall include the board's telephone number and internet
34 website where the nurse practitioner's license may be checked and
35 complaints against the nurse practitioner may be made.

36 (g) A nurse practitioner practicing pursuant to this section shall
37 maintain professional liability insurance appropriate for the practice
38 setting.

1 (h) For purposes of this section, corporations and other artificial
2 legal entities shall have no professional rights, privileges, or
3 powers.

4 (i) Subdivision (h) shall not apply to a nurse practitioner if either
5 of the following applies:

6 (1) The certificate issued pursuant to this section is inactive,
7 surrendered, revoked, or otherwise restricted by the board.

8 (2) The nurse practitioner is employed pursuant to the
9 exemptions under Section 2401.

10 SEC. 12. Section 2837.105 of the Business and Professions
11 Code is amended to read:

12 2837.105. (a) (1) The board shall request the department's
13 Office of Professional Examination Services, or an equivalent
14 organization, to perform an occupational analysis of nurse
15 practitioners performing the functions specified in subdivision (c)
16 of Section 2837.103 pursuant to that subdivision.

17 (2) The board, together with the Office of Professional
18 Examination Services, shall assess the alignment of the
19 competencies tested in the national nurse practitioner certification
20 examination required by subparagraph (A) of paragraph (1) of
21 subdivision (a) of Section 2837.103 with the occupational analysis
22 performed according to paragraph (1). This paragraph shall not
23 apply to a national nurse practitioner certification examination
24 discontinued before January 1, 2017.

25 (3) The occupational analysis shall be completed by January 1,
26 2023.

27 (4) If the assessment performed according to paragraph (2)
28 identifies additional competencies necessary to perform the
29 functions specified in subdivision (c) of Section 2837.103 pursuant
30 to that subdivision that are not sufficiently validated by the national
31 nurse practitioner board certification examination required by
32 subparagraph (A) of paragraph (1) of subdivision (a) of Section
33 2837.103, the board shall identify and develop a supplemental
34 exam that properly validates identified competencies.

35 (b) The examination process shall be regularly reviewed
36 pursuant to Section 139.

37 SEC. 13. Section 3765 of the Business and Professions Code
38 is amended to read:

39 3765. This act does not prohibit any of the following activities:

1 (a) The performance of respiratory care that is an integral part
2 of the program of study by students enrolled in approved
3 respiratory therapy training programs.

4 (b) Self-care by the patient or the gratuitous care by a friend or
5 member of the family who does not represent or hold themselves
6 out to be a respiratory care practitioner licensed under the
7 provisions of this chapter.

8 (c) The respiratory care practitioner from performing advances
9 in the art and techniques of respiratory care learned through formal
10 or specialized training.

11 (d) The performance of respiratory care in an emergency
12 situation by paramedical personnel who have been formally trained
13 in these modalities and are duly licensed under the provisions of
14 an act pertaining to their specialty.

15 (e) Temporary performance, by other health care personnel,
16 students, or groups, of respiratory care services, as identified and
17 authorized by the board, in the event of an epidemic, pandemic,
18 public disaster, or emergency.

19 (f) Persons from engaging in cardiopulmonary research.

20 (g) Formally trained licensees and staff of child day care
21 facilities from administering to a child inhaled medication as
22 defined in Section 1596.798 of the Health and Safety Code.

23 (h) The performance by a person employed by a home medical
24 device retail facility or by a home health agency licensed by the
25 State Department of Public Health of specific, limited, and basic
26 respiratory care or respiratory care-related services that have been
27 authorized by the board.

28 (i) The performance, by a vocational nurse licensed by the Board
29 of Vocational Nursing and Psychiatric Technicians of the State of
30 California who is employed by a home health agency licensed by
31 the State Department of Public Health, of respiratory tasks and
32 services identified by the board, if the licensed vocational nurse
33 complies with the following:

34 (1) Before January 1, 2028, the licensed vocational nurse has
35 completed patient-specific training satisfactory to their employer.

36 (2) On or after January 1, 2028, the licensed vocational nurse
37 has completed patient-specific training by the employer in
38 accordance with guidelines that shall be promulgated by the board
39 no later than January 1, 2028, in collaboration with the Board of

1 Vocational Nursing and Psychiatric Technicians of the State of
2 California.

3 (j) The performance of respiratory care services identified by
4 the board by a licensed vocational nurse who satisfies the
5 requirements in paragraph (1) in the settings listed in paragraph
6 (2).

7 (1) (A) The licensed vocational nurse is licensed pursuant to
8 Chapter 6.5 (commencing with Section 2840).

9 (B) The licensed vocational nurse has completed patient-specific
10 training satisfactory to their employer.

11 (C) The licensed vocational nurse holds a current and valid
12 certification of competency for each respiratory task to be
13 performed from the California Association of Medical Product
14 Suppliers, the California Society for Respiratory Care, or another
15 organization identified by the board.

16 (2) A licensed vocational nurse may perform the respiratory
17 care services identified by the board pursuant to this subdivision
18 in the following settings:

19 (A) At a congregate living health facility licensed by the State
20 Department of Public Health that is designated as six beds or fewer.

21 (B) At an intermediate care facility licensed by the State
22 Department of Public Health that is designated as six beds or fewer.

23 (C) At an adult day health care center licensed by the State
24 Department of Public Health.

25 (D) As an employee of a home health agency licensed by the
26 State Department of Public Health or an individual nurse provider
27 working in a residential home.

28 (E) At a pediatric day health and respite care facility licensed
29 by the State Department of Public Health.

30 (F) At a small family home licensed by the State Department
31 of Social Services that is designated as six beds or fewer.

32 (G) As a private duty nurse as part of daily transportation and
33 activities outside a patient's residence or family respite for home-
34 and community-based patients.

35 (3) This subdivision is operative on January 1, 2028.

36 (k) The performance of pulmonary function testing by persons
37 who are currently employed by Los Angeles County hospitals and
38 have performed pulmonary function testing for at least 15 years.

39 SEC. 14. Section 4052.04 of the Business and Professions
40 Code is amended to read:

1 4052.04. (a) In addition to the authority provided in Section
2 4052, a pharmacist may furnish COVID-19 oral therapeutics
3 following a positive test for SARS-CoV-2, the virus that causes
4 COVID-19.

5 (b) Prior to furnishing COVID-19 oral therapeutics pursuant to
6 subdivision (a), a pharmacist shall utilize relevant and appropriate
7 evidence-based clinical guidelines published by the federal Food
8 and Drug Administration in providing these patient care services.

9 (c) A pharmacist who furnishes COVID-19 oral therapeutics
10 shall notify the patient's primary care provider, or enter the
11 appropriate information in a patient record system shared with the
12 primary care provider, as permitted by that primary care provider.
13 If the patient does not have a primary care provider, the pharmacist
14 shall provide the patient with a written record of the drugs
15 furnished and advise the patient to consult a physician of the
16 patient's choice.

17 (d) A pharmacist shall document, to the extent possible, the
18 kind and amounts of COVID-19 oral therapeutics furnished
19 pursuant to subdivision (a), as well as information regarding any
20 testing services provided, in the patient's record in the record
21 system maintained by the pharmacy. The records shall be
22 maintained for three years and shall be available for inspection by
23 all properly authorized personnel of the board.

24 (e) For purposes of this section, "COVID-19 oral therapeutics"
25 means drugs that are approved or authorized by the United States
26 Food and Drug Administration for the treatment of COVID-19
27 and administered orally.

28 (f) This section shall remain in effect only until January 1, 2026,
29 and as of that date is repealed.

30 SEC. 15. Section 4069 is added to the Business and Professions
31 Code, to read:

32 4069. A pharmacist who dispenses or furnishes a dangerous
33 drug, as defined in Section 4022, pursuant to a veterinary
34 prescription shall include, as part of the consultation, the option
35 for a representative of an animal patient to also receive drug
36 documentation specifically designed for veterinary drugs.

37 SEC. 16. Section 4602 of the Business and Professions Code
38 is amended to read:

1 4602. (a) The California Massage Therapy Council, as defined
2 in subdivision (d) of Section 4601, is hereby established and shall
3 carry out the responsibilities and duties set forth in this chapter.

4 (b) The council may take any reasonable actions necessary to
5 carry out the responsibilities and duties set forth in this chapter,
6 including, but not limited to, hiring staff, entering into contracts,
7 and developing policies, procedures, rules, and bylaws to
8 implement this chapter.

9 (c) The council may require background checks for all
10 employees, contractors, volunteers, and board members as a
11 condition of their employment, formation of a contractual
12 relationship, or participation in council activities.

13 (d) The council shall issue a certificate to an individual applicant
14 who satisfies the requirements of this chapter for that certificate.

15 (e) The council is authorized to determine whether the
16 information provided to the council in relation to the certification
17 of an applicant is true and correct and meets the requirements of
18 this chapter. If the council has any reason to question whether the
19 information provided is true or correct, or meets the requirements
20 of this chapter, the council is authorized to make any investigation
21 it deems necessary to establish that the information received is
22 accurate and satisfies any criteria established by this chapter. The
23 applicant has the burden to prove that they are entitled to
24 certification.

25 (f) The council shall be governed by a board of directors
26 composed of 13 members who shall be chosen in the following
27 manner:

28 (1) One member shall be a representative of the League of
29 California Cities, unless that entity chooses not to exercise this
30 right to appoint.

31 (2) One member shall be a representative of the California Police
32 Chiefs Association, unless that entity chooses not to exercise this
33 right to appoint.

34 (3) One member shall be a representative of the California State
35 Association of Counties, unless that entity chooses not to exercise
36 this right to appoint.

37 (4) One member shall be a representative of an “anti-human
38 trafficking” organization to be determined by the council. This
39 organization shall appoint one member, unless the organization
40 chooses not to exercise this right to appoint.

1 (5) One member shall be appointed by the Office of the
2 Chancellor of the California Community Colleges, unless that
3 office chooses not to exercise this right to appoint.

4 (6) One member shall be a member of the public appointed by
5 the Director of the Department of Consumer Affairs, unless the
6 director chooses not to exercise this right to appoint.

7 (7) One member shall be appointed by the California Association
8 of Private Postsecondary Schools, unless that entity chooses not
9 to exercise this right to appoint.

10 (8) One member shall be appointed by the American Massage
11 Therapy Association, California Chapter, who shall be a
12 California-certified massage therapist or massage practitioner who
13 is a California resident and who has been practicing massage for
14 at least three years, unless that entity chooses not to exercise this
15 right to appoint.

16 (9) One member shall be a public health official representing a
17 city, county, city and county, or state health department, to be
18 determined by the council. The city, county, city and county, or
19 state health department chosen, shall appoint one member unless
20 that entity chooses not to exercise this right to appoint.

21 (10) (A) One member shall be a certified massage therapist or
22 a certified massage practitioner who is a California resident who
23 has practiced massage for at least three years prior to the
24 appointment, selected by a professional society, association, or
25 other entity which membership is composed of massage therapist
26 professionals, and that chooses to participate in the council. To
27 qualify, a professional society, association, or other entity shall
28 have a dues-paying membership in California of at least 1,000
29 individuals, have been established since 2000, and shall have
30 bylaws that require its members to comply with a code of ethics.

31 (B) If there is more than one professional society, association,
32 or other entity that meets the requirements of subparagraph (A),
33 the appointment shall rotate based on a four-year term between
34 each of the qualifying entities. The qualifying entity shall maintain
35 its appointment authority during the entirety of the four-year term
36 during which it holds the appointment authority. The order in
37 which a qualifying professional society, association, or other entity
38 has the authority to appoint shall be determined by alphabetical
39 order based on the full legal name of the entity as of January 1,
40 2014.

1 (11) The members appointed to the board in accordance with
2 paragraphs (1) to (10), inclusive, shall appoint three additional
3 members, at a duly held board meeting in accordance with the
4 board's bylaws. One of those appointees shall be an attorney
5 licensed by the State Bar of California who has been practicing
6 law for at least three years and who at the time of appointment
7 represents a city, county, or a city and county in the state. One of
8 those appointees shall represent a massage business entity that has
9 been operating in the state for at least three years. The council
10 shall establish in its bylaws a process for appointing an additional
11 member, provided that the member has knowledge of the massage
12 industry or can bring needed expertise to the operation of the
13 council for purposes of complying with Section 4603.

14 (g) Any decision to change the appointing authority of any
15 member appointed to the board pursuant to paragraphs (1) to (10),
16 inclusive, of subdivision (f) shall not be effective unless the current
17 member has completed their term under subdivision (h) or the
18 appointment is vacant.

19 (h) (1) Board member terms shall be for four years and until
20 the appointment and qualification of their successor or until one
21 year from the expiration of the term for which the member was
22 appointed, whichever occurs first. A board member who has served
23 two terms shall not be eligible for reappointment to the board
24 regardless of the appointing authority. Any board member who,
25 as of January 1, 2025, has served on the board for 8 out of the
26 preceding 10 years, regardless of the appointing authority, shall
27 vacate their appointment no later than July 1, 2025.

28 (2) A board member may be removed only by their appointing
29 authority under the conditions provided in Section 106.

30 (i) The board of directors shall establish fees reasonably related
31 to the cost of providing services and carrying out its ongoing
32 responsibilities and duties. Initial and renewal fees for certificates
33 shall be in an amount sufficient to support the functions of the
34 council in the administration of this chapter, but in no event shall
35 exceed three hundred dollars (\$300). The renewal fee shall be
36 reassessed biennially by the board.

37 (j) The meetings of the council shall be subject to the rules of
38 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
39 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
40 the Government Code). The board may adopt additional policies

1 and procedures that provide greater transparency to certificate
2 holders and the public than required by the Bagley-Keene Open
3 Meeting Act.

4 (k) Prior to holding a meeting to vote upon a proposal to increase
5 the certification fees, the board shall provide at least 90 days'
6 notice of the meeting, including posting a notice on the council's
7 internet website unless at least two-thirds of the board members
8 concur that there is an active threat to public safety and that voting
9 at a meeting without prior notice is necessary. However, the board
10 shall not waive the requirements of subdivision (i).

11 (l) If the board approves an increase in the certification fees,
12 the council shall update all relevant areas of its internet website
13 and notify all certificate holders and affected applicants by email
14 within 14 days of the board's action.

15 (m) The council shall assess its contact with non-English
16 speakers. Based on this assessment, the council shall offer and
17 make available all publicly available written and electronic
18 materials provided to certificate holders and applicants in languages
19 other than English that the council determines will be used by a
20 substantial number of non-English speakers who are in contact
21 with the council. This subdivision shall not apply to examinations,
22 denial and disciplinary legal documents, and email
23 communications. The council shall provide a report to the
24 Legislature on the findings of its assessment of contact with
25 non-English speakers on or before January 1, 2019.

26 SEC. 17. Section 4621 of the Business and Professions Code
27 is amended to read:

28 4621. (a) This chapter shall remain in effect only until January
29 1, 2026, and as of that date is repealed.

30 (b) Notwithstanding any other law, the powers and duties of the
31 council shall be subject to review by the appropriate policy
32 committees of the Legislature.

33 SEC. 18. Section 7423 of the Business and Professions Code
34 is amended to read:

35 7423. The amounts of the fees required by this chapter relating
36 to licenses for individual practitioners are as follows:

37 (a) (1) Cosmetologist application and examination fee shall be
38 the actual cost to the board for developing, purchasing, grading,
39 and administering the examination.

1 (2) A cosmetologist initial license fee shall not be more than
2 fifty dollars (\$50).

3 (b) (1) An esthetician application and examination fee shall be
4 the actual cost to the board for developing, purchasing, grading,
5 and administering the examination.

6 (2) An esthetician initial license fee shall not be more than forty
7 dollars (\$40).

8 (c) (1) A manicurist application and examination fee shall be
9 the actual cost to the board for developing, purchasing, grading,
10 and administering the examination.

11 (2) A manicurist initial license fee shall not be more than
12 thirty-five dollars (\$35).

13 (d) (1) A barber application and examination fee shall be the
14 actual cost to the board for developing, purchasing, grading, and
15 administering the examination.

16 (2) A barber initial license fee shall be not more than fifty dollars
17 (\$50).

18 (e) (1) An electrologist application and examination fee shall
19 be the actual cost to the board for developing, purchasing, grading,
20 and administering the examination.

21 (2) An electrologist initial license fee shall be not more than
22 fifty dollars (\$50).

23 (f) An apprentice application and license fee shall be not more
24 than twenty-five dollars (\$25).

25 (g) The license renewal fee for individual practitioner licenses
26 that are subject to renewal shall be not more than fifty dollars
27 (\$50).

28 (h) A hairstylist application and examination fee shall be the
29 actual cost to the board for developing, purchasing, grading, and
30 administering the examination.

31 (i) A hairstylist's initial license fee shall be no more than fifty
32 dollars (\$50).

33 (j) Notwithstanding Section 163.5 the license renewal
34 delinquency fee shall be 50 percent of the renewal fee in effect on
35 the date of renewal.

36 SEC. 19. Section 8593 of the Business and Professions Code
37 is amended to read:

38 8593. (a) The board shall require as a condition to the renewal
39 of each operator's and field representative's license that the holder
40 submit proof satisfactory to the board that they have informed

1 themselves of developments in the field of pest control either by
2 completion of courses of continuing education in pest control
3 approved by the board or equivalent activity approved by the board.

4 (b) The board shall develop a correspondence course or courses
5 with any educational institution or institutions as it deems
6 appropriate. This course may be used to fulfill the requirements
7 of this section. The institution may charge a reasonable fee for
8 each course.

9 SEC. 20. Section 8593.1 of the Business and Professions Code
10 is amended to read:

11 8593.1. The board shall require as a condition to the renewal
12 of each applicator's license that the holder thereof submit proof
13 satisfactory to the board that they have completed courses of
14 continuing education in pesticide application and use approved by
15 the board or equivalent activity approved by the board.

16 SEC. 21. Section 9880.1 of the Business and Professions Code
17 is amended to read:

18 9880.1. The following definitions apply for the purposes of
19 this chapter:

20 (a) "Automotive repair dealer" means a person who, for
21 compensation, engages in the business of repairing or diagnosing
22 malfunctions of motor vehicles, or engages in the business of
23 collecting compensation for automotive repair services that are
24 referred or sublet to someone other than the dealer or their
25 employees.

26 (b) "Automotive technician" means an employee of an
27 automotive repair dealer or that dealer, if the employer or dealer
28 repairs motor vehicles and who, for salary or wage, performs
29 repairs of motor vehicles as set forth in subdivision (k).

30 (c) "Bureau" means the Bureau of Automotive Repair.

31 (d) "Chief" means the Chief of the Bureau of Automotive
32 Repair.

33 (e) "Commercial business agreement" means an agreement,
34 whether in writing or oral, entered into between a business or
35 commercial enterprise and an automotive repair dealer, prior to
36 the repair that is requested to be made, that contemplates a
37 continuing business arrangement under which the automotive
38 repair dealer is to repair any motor vehicle covered by the
39 agreement, but does not mean any warranty or extended service

1 agreement normally given by an automotive repair facility to its
2 customers.

3 (f) “Customer” means the person presenting a motor vehicle
4 for repair and authorizing the repairs to that motor vehicle.
5 “Customer” shall not mean the automotive repair dealer providing
6 the repair services or an insurer involved in a claim that includes
7 the motor vehicle being repaired or an employee or agent or a
8 person acting on behalf of the dealer or insurer.

9 (g) “Director” means the Director of Consumer Affairs.

10 (h) “Motor vehicle” means a passenger vehicle required to be
11 registered with the Department of Motor Vehicles and all
12 motorcycles whether or not required to be registered by the
13 Department of Motor Vehicles.

14 (i) “Person” includes a firm, partnership, association, limited
15 liability company, participating tribe, or corporation.

16 (j) “Preventative maintenance services” means the following
17 maintenance services: checking tire pressure and adding or
18 relieving pressure, as necessary; rotating tires; changing
19 transmission fluid, transmission filter, engine oil and filter,
20 differential fluid, power steering fluid, and transfer case fluid;
21 changing engine or cabin air filters, and external fuel filters;
22 changing engine coolant; performing a fuel system induction
23 service; replacing belts and windshield wiper blades; replacing
24 light bulbs and restoring headlamps; adding oil or fuel treatments
25 through the designated fill points; and topping off fluids; and all
26 of the listed services include the removal, reinstallation, and
27 replacement of any components necessary to perform each service,
28 and the tapping of damaged threads without removal of any fluid
29 pan.

30 (k) “Repair of motor vehicles” means all maintenance of and
31 repairs to motor vehicles performed by an automotive repair dealer,
32 including automotive body repair work, but excluding those repairs
33 made pursuant to a commercial business agreement and roadside
34 services.

35 (l) “Roadside services” means the services performed upon a
36 motor vehicle for the purpose of transporting the vehicle or to
37 permit it to be operated under its own power, by, or on behalf of,
38 a motor club holding a certificate of authority pursuant to Chapter
39 2 (commencing with Section 12160) of Part 5 of Division 2 of the
40 Insurance Code, or by an operator of a tow truck, as defined in

1 Section 615 of the Vehicle Code, that is owned or operated by a
2 person or entity who possesses a valid motor carrier permit, as
3 described in Section 34620 of the Vehicle Code, and is enrolled
4 in the Basic Inspection of Terminals program, as described in
5 Section 34501.12 of the Vehicle Code.

6 SEC. 22. Section 9880.5 is added to the Business and
7 Professions Code, to read:

8 9880.5. (a) As used in this chapter, the following definitions
9 apply:

10 (1) "Federally recognized tribe" means a tribe located in this
11 state and included on the list published in the Federal Register
12 pursuant to the Federally Recognized Indian Tribe List Act of 1994
13 (25 U.S.C. Sec. 5131) and includes an entity controlled by and
14 established for the benefit of one or more tribes.

15 (2) "Participating tribe" means a federally recognized tribe that
16 formally applies for licensure from the bureau pursuant to
17 subdivision (b).

18 (b) The bureau shall license a federally recognized tribe that
19 applies for licensure and is otherwise compliant with this chapter
20 for the purpose of engaging in a business regulated by this chapter.

21 (c) Nothing in this chapter is intended to infringe upon or
22 diminish the existing rights, privileges, and immunities of federally
23 recognized tribes as set forth in federal, state, or tribal law, or the
24 jurisdiction of those participating tribes.

25 (d) Nothing in this chapter, whether express or implied, shall
26 confer upon the bureau or director any rights or authority to
27 regulate any activity within the jurisdiction of a participating tribe.

28 (e) Any requirement to register with the Secretary of State,
29 maintain good standing with the Secretary of State, provide a
30 corporate number issued by the Secretary of State, or any other
31 associated requirement shall not apply to a participating tribe.

32 SEC. 23. Section 19237 of the Business and Professions Code
33 is amended to read:

34 19237. (a) A household mover shall not engage, or attempt to
35 engage, in the business of the transportation of used household
36 goods and personal effects by motor vehicle over any public
37 highway in this state, including by any means or media, advertising,
38 soliciting, offering, arranging as a broker, or entering into an
39 agreement regarding the transportation of used household goods
40 and personal effects, unless both of the following are satisfied:

1 (1) For transportation of household goods and personal effects
2 within this state, there is in force a permit issued by the bureau
3 authorizing those operations. Permits issued by the Public Utilities
4 Commission pursuant to the former Chapter 7 (commencing with
5 Section 5101) of Division 2 of the Public Utilities Code, that are
6 valid and effective on the operative date of this chapter, shall
7 remain in effect, subject to this chapter, for a period of not more
8 than two years after the operative date of this chapter, or until the
9 time the bureau issues, reissues, renews, suspends, revokes, or
10 otherwise alters or amends the permit, whichever occurs earlier.

11 (2) (A) For transportation of household goods and personal
12 effects from this state to another state or from another state to this
13 state, there is in force a valid operating authority issued by the
14 Federal Motor Carrier Safety Administration.

15 (B) An applicant whose principal place of business is not in this
16 state shall not be required to meet the residency requirements
17 pursuant to Section 19239 and shall file with the bureau its
18 designation of persons upon whom court or agency process may
19 be served in this state that the household mover made pursuant to
20 Part 366 of Title 49 of the Code of Federal Regulations.

21 (C) If the applicant only conducts interstate household moves,
22 the applicant shall not be required to take the examination pursuant
23 to Section 19239 and shall file an affidavit with the bureau stating
24 it shall not conduct any intrastate household moves in this state.

25 (b) A household mover that engages, or attempts to engage, in
26 the business of the transportation of used household goods and
27 personal effects in violation of subdivision (a) shall not enforce
28 any security interest or bring or maintain any action in law or
29 equity to recover any money or property or obtain any other relief
30 from any consignor, consignee, or owner of household goods or
31 personal effects in connection with an agreement to transport, or
32 the transportation of, household goods and personal effects or any
33 related services. A person who utilizes the services of a household
34 mover operating in violation of subdivision (a) may bring an action
35 in any court of competent jurisdiction in this state to recover all
36 compensation paid to that household mover.

37 (c) The operation of a motor vehicle used in the business of
38 transporting household goods and personal effects by a household
39 mover that does not possess a valid permit or operating authority,
40 as required by subdivision (a), constitutes a public nuisance. Any

1 peace officer, as defined in Chapter 4.5 (commencing with Section
2 830) of Title 3 of Part 2 of the Penal Code, may remove any motor
3 vehicle located within the territorial limits in which the officer
4 may act, when the vehicle is found upon a highway and is being
5 used in a manner constituting a public nuisance. At the request of
6 the bureau, the Attorney General, or a district attorney, city
7 attorney, or county counsel, the law enforcement agency may
8 impound the vehicle for a period not to exceed 72 hours to enable
9 the requesting agency to abate the public nuisance, to obtain an
10 order from the superior court of the county in which the vehicle
11 has been impounded to prevent the use of the motor vehicle in
12 violation of law, and to obtain any other remedy available under
13 law as permitted by Section 19282.

14 (d) Any person having possession or control of used household
15 goods or personal effects, who knows, or through the exercise of
16 reasonable care should know, that a household mover transported
17 those household goods or personal effects in violation of
18 subdivision (a), shall release the household goods and personal
19 effects to the consignor or consignee, as defined in Section 19245,
20 upon the request of the consignor or consignee. If that person fails
21 to release the household goods and personal effects, any peace
22 officer, as defined in subdivision (c), may take custody of the
23 household goods and personal effects and release them to the
24 consignor or consignee.

25 (e) The bureau shall identify household movers that are
26 authorized to conduct intrastate and interstate moves in the state
27 on its internet website.

28 SEC. 24. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIIIIB of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.