

Introduced by Committee on Business, Professions and Economic Development (Senators Ashby (Chair), Archuleta, Arreguín, Choi, Grayson, Menjivar, Niello, Smallwood-Cuevas, Umberg, Valladares, and Weber Pierson)

March 13, 2025

An act to amend Sections 27, 144, 1602, 1603, 1901, 1903, 2125, 2532.2, 2532.3, 2532.4, 2532.6, 2532.7, 2536, 6584, 7076.5, 7137, 7152, 7524, 8027, 9889.1, 9889.2, 9889.9, 12107, 12211, 12500.8, 12609, 13404.5, 13711, and 19094 of, and to add and repeal Section 1616.5 of, the Business and Professions Code, to amend Sections 44831, 94834, 94866, 94897, 94900, 94902, 94909, and 94910 of, and to repeal Sections 94880.1, 94929.9, and 94949 of, the Education Code, and to amend Section 14132.55 of the Welfare and Institutions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as introduced, Committee on Business, Professions and Economic Development. Consumer affairs.

(1) Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is composed of various agencies that license and regulate various businesses and professions. Existing law requires certain agencies to disclose information on the status of its licensees on the internet, as specified. In this regard, existing law specifies the licensees on which the Cemetery and Funeral Bureau is required to disclose information, including, among others, cemetery brokers, salespersons, and managers.

This bill would also specify that the bureau is required to disclose information on licensed hydrolysis facilities and reduction facilities.

(2) Existing law requires designated agencies in the Department of Consumer Affairs to require applicants to furnish a full set of fingerprints to the agency for purposes of conducting criminal history record checks.

This bill would include the State Board of Chiropractic Examiners as one of those designated agencies.

(3) The Dental Practice Act establishes the Dental Board of California to license and regulate the practice of dentistry, and repeals the provision establishing the board on January 1, 2029. Chapter 483 of the Statutes of 2024 revised the membership of the board by, among other things, removing a requirement that the board include a registered dental hygienist, and, instead, requiring the inclusion of a 2nd member who is a registered dental assistant.

This bill would make conforming changes, including deleting obsolete references to a dental hygienist member of the board. The bill would also authorize the board to appoint a person exempt from civil service as an executive officer, and would repeal this provision on January 1, 2029.

(4) Existing law establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Chapter 858 of the Statutes of 2018 created the board out of the former Dental Hygiene Committee of California, as specified.

This bill would make technical changes to the provisions regulating dental hygienists by correcting references to the dental hygiene board and deleting an obsolete provision affecting expiration of terms for members of the former Dental Hygiene Committee of California.

(5) Existing law establishes the Licensed Physicians from Mexico Program under which the Medical Board of California is required to issue a 3-year physician and surgeon's license to each licensed physician from Mexico who, among other requirements, passes a board review course with a score equivalent to that registered by United States applicants when passing a board review course for the United States certification examination in each of the physician's specialty areas.

This bill would delete that requirement.

(6) 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. Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund to deposit revenue

received pursuant to the act and makes moneys in the fund available upon appropriation by the Legislature to carry out the purposes of the act.

This bill would make technical changes to various provisions of the act and other related provisions, including updating references to the names of the board and the fund.

(7) The Professional Fiduciaries Act establishes the Professional Fiduciaries Bureau to license and regulate professional fiduciaries. Existing law requires a licensee to file a statement with the bureau annually that contains specified information, including whether the licensee has been convicted of a crime. Existing law authorizes the suspension, revocation, denial or other disciplinary action for a failure to notify the bureau of a conviction pursuant to that requirement.

This bill would update the cross-reference to that requirement.

(8) The Contractors State License Law establishes the Contractors State License Board to license and regulate contractors. Existing law exempts an inactive contractor's license from certain requirements during the period that a license is inactive, including specified bonding and qualifier requirements.

This bill would also exempt an inactive license from workers' compensation requirements.

The Contractors State License Law requires a licensee that is subject to a public complaint requiring a professional or expert investigation or inspection and report to pay fees to cover the costs of the investigation or inspection and report if it resulted in the issuance of a letter of admonishment or a citation. Existing law requires the full amount of the assessed fee to be added to the fee for the active or inactive renewal of a licensee.

Under this bill, the licensee would be required to pay those fees only if the letter of admonishment or citation has become a final order of the registrar. The bill would delete the provision requiring the assessed fee to be added to the fee for renewal of a license.

The Contractors State License Law requires a home improvement salesperson to register with the board in order to engage in the business of, or act in the capacity of, a home improvement salesperson. Existing law creates exemptions for certain individuals who, at the time of the sales transaction, are listed as personnel of record for a licensee responsible for soliciting, negotiating, or contracting for a service or improvement that is subject to registration, as specified.

This bill would update a cross-reference to the provisions specifying those exempt individuals.

(9) The Private Investigator Act provides for the licensure and regulation of private investigators by the Director of Consumer Affairs, and requires a licensee to make signed agreements and investigative findings available for inspection by the Bureau of Security and Investigative Services.

This bill would specify that making these records available for inspection by the bureau does not violate rules or laws related to attorney work product and attorney-client privilege, as specified.

(10) Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters and requires the board to develop standardization of policies on the use and administration of qualifier examinations by schools. Existing law requires the qualifier examination to consist of 4-voice testimony of 10-minute duration at 200 words per minute graded at 97.5 percent accuracy.

This bill would instead require the qualifier examination to be graded at 95 percent accuracy.

(11) The Automotive Repair Act establishes the Bureau of Automotive Repair to license and regulate automotive repair dealers, authorizes the Director of Consumer Affairs to adopt and enforce rules and regulations that are necessary to carry out the purposes of the act. Chapter 372 of the Statutes of 2021 replaced provisions that governed the licensure of lamp and brake adjusting stations and adjusters with provisions that govern the licensure of vehicle safety systems inspection, as specified.

This bill would update cross-references to those provisions of the act.

(12) Existing law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law requires the Secretary of Food and Agriculture to adopt by reference certain tolerances, specifications, procedures, requirements, and standards for methods of sale that are recommended or published by the National Conference on Weights and Measures.

This bill would replace references to “National Conference on Weights and Measures” with “National Council on Weights and Measures.”

(13) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary institutions by the Bureau for Private Postsecondary Education. Existing law defines “distance education” for purposes of the act to mean

transmission of instruction to students at a location separate from the institution, and defines “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution ceases to operate. Existing law requires an institution to maintain permanent records, for each student granted a degree or certificate.

This bill would instead define “distance education” to mean transmission of instruction to students at a location separate from the faculty. The bill would revise the definition of “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution or an educational program ceases to operate. The bill would repeal a provision requiring the bureau to establish a task force no later than March 1, 2015, to review standards for educational and training programs specializing in innovative subjects and instructing students in high-demand technology fields for which there is a shortage of skilled employees. The bill would require the permanent records required to be maintained by the institution to be complete and accurate.

(14) Existing law requires a student to enroll in a private postsecondary institution by executing an enrollment agreement and makes the agreement unenforceable unless the student has received the institution’s catalog and School Performance Fact Sheet before signing the agreement. Existing law requires an institution to provide a prospective student with a School Performance Fact Sheet prior to enrollment.

This bill would require the student to receive the institution’s current catalog and would require the institution to provide a prospective student with a current School Performance Fact Sheet. The bill would repeal a requirement that the bureau consider specified factors, including graduate salary and other outcome data and reporting requirements used by the United States Department of Education and specified other entities, and the reporting requirements of public postsecondary institutions to evaluate the feasibility of adopting these reporting requirements for private postsecondary institutions. The bill would repeal an obsolete reporting requirement relating to the bureau’s staffing resources.

(15) This bill would make other technical changes, including eliminating 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:

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

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

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

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

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

1 (2) The Bureau of Automotive Repair shall disclose information
2 on its licensees, including automotive repair dealers, smog check
3 stations, smog check inspectors and repair technicians, and vehicle
4 safety systems inspection stations and technicians.

5 (3) The Bureau of Household Goods and Services shall disclose
6 information on its licensees, registrants, and permitholders.

7 (4) The Cemetery and Funeral Bureau shall disclose information
8 on its licensees, including cemetery brokers, cemetery salespersons,
9 cemetery managers, crematory managers, cemetery authorities,
10 crematories, cremated remains disposers, embalmers, funeral
11 establishments, *hydrolysis facilities*, *reduction facilities*, and funeral
12 directors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SEC. 2. Section 144 of the Business and Professions Code is
18 amended to read:

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

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

- 27 (1) California Board of Accountancy.
- 28 (2) State Athletic Commission.
- 29 (3) Board of Behavioral Sciences.
- 30 (4) Court Reporters Board of California.
- 31 (5) Dental Board of California.
- 32 (6) California State Board of Pharmacy.
- 33 (7) Board of Registered Nursing.
- 34 (8) California Veterinary Medical Board.
- 35 (9) Board of Vocational Nursing and Psychiatric Technicians
36 of the State of California.
- 37 (10) Respiratory Care Board of California.
- 38 (11) Physical Therapy Board of California.
- 39 (12) Physician Assistant Board.

1 (13) Speech-Language Pathology and Audiology and Hearing
2 Aid Dispensers Board.

3 (14) Medical Board of California.

4 (15) California State Board of Optometry.

5 (16) Acupuncture Board.

6 (17) Cemetery and Funeral Bureau.

7 (18) Bureau of Security and Investigative Services.

8 (19) Division of Investigation.

9 (20) Board of Psychology.

10 (21) California Board of Occupational Therapy.

11 (22) Structural Pest Control Board.

12 (23) Contractors State License Board.

13 (24) California Board of Naturopathic Medicine.

14 (25) Professional Fiduciaries Bureau.

15 (26) Board for Professional Engineers, Land Surveyors, and
16 Geologists.

17 (27) Podiatric Medical Board of California.

18 (28) Osteopathic Medical Board of California.

19 (29) California Architects Board, beginning January 1, 2021.

20 (30) Landscape Architects Technical Committee, beginning
21 January 1, 2022.

22 (31) Bureau of Household Goods and Services with respect to
23 household movers as described in Chapter 3.1 (commencing with
24 Section 19225) of Division 8.

25 (32) *State Board of Chiropractic Examiners*.

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

30 SEC. 3. Section 1602 of the Business and Professions Code is
31 amended to read:

32 1602. All of the members of the board, except the public
33 members, shall have been actively and lawfully engaged in the
34 practice of dentistry in the State of California, for at least five years
35 next preceding the date of their appointment. ~~The dental hygienist~~
36 ~~member shall have been a registered dental hygienist, and the~~
37 ~~registered dental assistant-member members~~ shall have been a
38 registered dental assistant, in the State of California for at least
39 five years next preceding the date of their appointment. The public
40 members shall not be licensees of the board or of any other board

1 under this division or of any board referred to in Sections 1000
2 and 3600. No more than one member of the board shall be a
3 member of the faculty of any dental college or dental department
4 of any medical college in the State of California. None of the
5 members, including the public members, shall have any financial
6 interest in any such college.

7 SEC. 4. Section 1603 of the Business and Professions Code is
8 amended to read:

9 1603. (a) Except for the initial appointments, members of the
10 board shall be appointed for a term of four years, and each member
11 shall hold office until the appointment and qualification of the
12 member's successor or until one year shall have elapsed since the
13 expiration of the term for which the member was appointed,
14 whichever first occurs.

15 (b) A vacancy occurring during a term shall be filled by
16 appointment for the unexpired term, within 30 days after it occurs.

17 (c) No person shall serve as a member of the board for more
18 than two terms.

19 (d) The Governor shall appoint three of the public members,
20 ~~the dental hygienist member,~~ the *two registered* dental assistant
21 ~~member, members,~~ and the eight licensed dentist members of the
22 board. The Senate Committee on Rules and the Speaker of the
23 Assembly shall each appoint a public member.

24 (e) Of the initial appointments, one of the dentist members and
25 one of the public members appointed by the Governor shall serve
26 for a term of one year. Two of the dentist members appointed by
27 the Governor shall each serve for a term of two years. One of the
28 public members and two of the dentist members appointed by the
29 Governor shall each serve a term of three years. ~~The dental~~
30 ~~hygienist member, the registered dental assistant member, members~~
31 and the remaining three dentist members appointed by the
32 Governor shall each serve for a term of four years. The public
33 members appointed by the Senate Committee on Rules and the
34 Speaker of the Assembly shall each serve for a term of four years.

35 SEC. 5. Section 1616.5 is added to the Business and Professions
36 Code, to read:

37 1616.5. (a) The board, by and with the approval of the director,
38 may appoint a person exempt from civil service who shall be
39 designated as an executive officer and who shall exercise the

1 powers and perform the duties delegated by the board and vested
2 in the executive officer by this chapter.

3 (b) This section shall remain in effect only until January 1, 2029,
4 and as of that date is repealed.

5 SEC. 6. Section 1901 of the Business and Professions Code is
6 amended to read:

7 1901. (a) There is hereby created in the Department of
8 Consumer Affairs a Dental Hygiene Board of California in which
9 the administration of this article is vested.

10 (b) Whenever the terms “Dental Hygiene Committee of
11 California” or “committee” are used in this article, they mean the
12 Dental Hygiene Board of California.

13 (c) Whenever the term “Dental Hygiene Committee of
14 California” is used in any other law, it means the Dental Hygiene
15 Board of California.

16 (d) This section shall remain in effect only until January 1, 2028,
17 and as of that date is repealed. Notwithstanding any other law, the
18 repeal of this section renders the *dental* hygiene board subject to
19 review by the appropriate policy committees of the Legislature.

20 SEC. 7. Section 1903 of the Business and Professions Code is
21 amended to read:

22 1903. (a) (1) The dental hygiene board shall consist of nine
23 members as follows:

24 (A) Seven members appointed by the Governor as follows:

25 (i) Two members shall be public members.

26 (ii) One member shall be a practicing general or public health
27 dentist who holds a current license in California.

28 (iii) Four members shall be registered dental hygienists who
29 hold current licenses in California. Of the registered dental
30 hygienist members, one shall be licensed either in alternative
31 practice or in extended functions, one shall be a dental hygiene
32 educator, and two shall be registered dental hygienists. No public
33 member shall have been licensed under this chapter within five
34 years of the date of their appointment or have any current financial
35 interest in a dental-related business.

36 (B) One public member appointed by the Senate Committee on
37 Rules.

38 (C) One public member appointed by the Speaker of the
39 Assembly.

1 (2) ~~(A)~~—The first appointment by the Senate Committee on
2 Rules or the Speaker of the Assembly pursuant to this subdivision
3 shall be made upon the expiration of the term of a public member
4 that is scheduled to occur, or otherwise occurs, on or after January
5 1, 2019.

6 ~~(B) It is the intent of the Legislature that committee members~~
7 ~~appointed prior to January 1, 2019, remain as dental hygiene board~~
8 ~~members until their term expires or except as otherwise provided~~
9 ~~in law, whichever occurs first.~~

10 (3) For purposes of this subdivision, a public health dentist is
11 a dentist whose primary employer or place of employment is in
12 any of the following:

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

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

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

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

22 (b) (1) Except as specified in paragraph (2), members of the
23 dental hygiene board shall be appointed for a term of four years.
24 Each member shall hold office until the appointment and
25 qualification of the member's successor or until one year shall
26 have lapsed since the expiration of the term for which the member
27 was appointed, whichever comes first.

28 (2) For the term commencing on January 1, 2012, two of the
29 public members, the general or public health dentist member, and
30 two of the registered dental hygienist members, other than the
31 dental hygiene educator member or the registered dental hygienist
32 member licensed in alternative practice or in extended functions,
33 shall each serve a term of two years, expiring January 1, 2014.

34 (c) Notwithstanding any other provision of law and subject to
35 subdivision (e), the Governor may appoint to the dental hygiene
36 board a person who previously served as a member of the former
37 committee or dental hygiene board even if the person's previous
38 term expired.

39 (d) The dental hygiene board shall elect a president, a vice
40 president, and a secretary from its membership.

1 (e) No person shall serve as a member of the dental hygiene
2 board for more than two consecutive terms.

3 (f) A vacancy in the dental hygiene board shall be filled by
4 appointment to the unexpired term.

5 (g) Each member of the dental hygiene board shall receive a
6 per diem and expenses as provided in Section 103.

7 (h) Each appointing authority shall have the power to remove
8 from office at any time any member of the *dental hygiene* board
9 appointed by that authority pursuant to Section 106.

10 (i) The dental hygiene board, with the approval of the director,
11 may appoint a person exempt from civil service who shall be
12 designated as an executive officer and who shall exercise the
13 powers and perform the duties delegated by the dental hygiene
14 board and vested in the executive officer by this article.

15 (j) This section shall remain in effect only until January 1, 2028,
16 and as of that date is repealed.

17 SEC. 8. Section 2125 of the Business and Professions Code is
18 amended to read:

19 2125. (a) For purposes of this article, the following definitions
20 apply:

21 (1) “Board” means the Medical Board of California.

22 (2) “Program” means the Licensed Physicians from Mexico
23 Program.

24 (b) (1) The Licensed Physicians from Mexico Program is hereby
25 created.

26 (2) The board shall approve physician candidates from Mexico
27 for program participation.

28 (c) (1) This program extends the physician component of the
29 Licensed Physicians and Dentists from Mexico Pilot Program, as
30 established in former Section 853, which authorized up to 30
31 licensed physicians specializing in family practice, internal
32 medicine, pediatrics, and obstetrics and gynecology from Mexico
33 to practice medicine in California for a period not to exceed three
34 years.

35 (2) The program shall also maintain an alternate list of program
36 participants.

37 (d) The board shall issue a nonrenewable three-year physician’s
38 and surgeon’s license to each licensed physician from Mexico who
39 meets the criteria set forth in this section.

(e) Each physician from Mexico, to be eligible to participate in this program, shall comply with all of the following:

(1) Be licensed, certified or recertified, and in good standing in their medical specialty in Mexico. This certification or recertification shall be performed, as appropriate, by the Consejo Mexicano de Ginecología y Obstetricia, A.C., the Consejo Mexicano de Certificación en Medicina Familiar, A.C., the Consejo Mexicano de Medicina Interna, A.C., the Consejo Mexicano de Certificación en Pediatría, A.C., or the Consejo Mexicano de Psiquiatría, A.C.

(2) Before leaving Mexico, have completed all of the following requirements:

(A) ~~Passed the board review course with a score equivalent to that registered by United States applicants when passing a board review course for the United States certification examination in each of the physician's specialty areas and passed an interview examination developed by the National Autonomous University of Mexico (UNAM) for each specialty area. Each family practitioner who includes obstetrics and gynecology in their practice and shall not perform deliveries in California unless they have performed 50 live birth deliveries, as required by United States standards, confirmed by written documentation by the supervising department chair, hospital administrator, or hospital chief medical officer. Each obstetrician and gynecologist from Mexico shall be a fellow in good standing of the American College of Obstetricians and Gynecologists.~~

(B) (i) Satisfactorily completed an orientation program approved by the board in connection with the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, and that includes medical protocol, community clinic history and operations, medical administration, hospital operations and protocol, medical ethics, the California medical delivery system, health maintenance organizations and managed care practices, medication documentation and reconciliation, the electronic medical records system utilized by federally qualified health centers, and standards for medical record documentation to support medical decisionmaking and quality care. This orientation program may be changed by a committee of at least five chief medical officers at federally qualified health centers employing program licensees to ensure that the orientation program contains

1 the requisite subject matter and meets appropriate California law
2 and medical standards where applicable.

3 (ii) Satisfactorily completed the Test of English as a Foreign
4 Language by scoring a minimum of 85 percent or the Occupational
5 English Test with a minimum score of 350, and provided written
6 documentation of their completion to the board.

7 (C) Representatives from California and the UNAM in Mexico
8 that executed and implemented the provisions of the former
9 Physicians and Dentists from Mexico Pilot Program shall be the
10 points of contact involved in securing required documents,
11 recruiting and vetting candidates, assisting candidates for this
12 program in Mexico to meet all program requirements, selecting
13 appropriate federally qualified health centers throughout California,
14 ensuring compliance with program provisions, developing policy
15 and clinical workshops, monitoring productivity and increased
16 access to medical care, and assessing the necessity of policy and
17 programmatic improvements.

18 (3) Upon satisfactory completion of the requirements in
19 paragraphs (1) and (2), and after having received their
20 nonrenewable three-year physician's and surgeon's license, each
21 licensee shall be required to obtain continuing education pursuant
22 to Section 2190. Each physician shall obtain 25 continuing
23 education units per year for three years of program participation,
24 which shall be subject to random audits by the board to ensure
25 compliance. The board may issue a citation and administrative
26 fine against a licensee who fails to comply with the requirements
27 of this paragraph.

28 (4) The federally qualified health centers employing physicians
29 from Mexico shall continue the peer review protocols and
30 procedures as required by the federal government. The federally
31 qualified health centers shall work with a California medical school
32 approved by the board pursuant to Section 2084 or a residency
33 program approved by the Accreditation Council for Graduate
34 Medical Education to conduct 10 secondary reviews of randomly
35 selected patient encounters with each licensee per six-month period,
36 and the reviews shall be transmitted to the approved medical school
37 or medical institution with an approved residency program in PDF
38 format. The secondary reviews shall be undertaken every six
39 months of each year for the three years that the physicians from
40 Mexico are employed by federally qualified health centers. The

1 faculty reviewers in family medicine, pediatrics, internal medicine,
2 psychiatry, and obstetrics and gynecology from the California
3 medical school approved by the board pursuant to Section 2084
4 or the residency program approved by the Accreditation Council
5 for Graduate Medical Education shall provide feedback to the
6 federally qualified health centers of the findings of their secondary
7 reviews. The faculty and federally qualified health center chief
8 medical officers shall jointly develop no less than two quality
9 assurance (QA) seminars for all physicians from Mexico to attend
10 during the six months of secondary reviews conducted. The purpose
11 of the approved medical school or medical institution with an
12 approved residency program secondary peer reviews shall be to
13 provide feedback on compliance with medical standards, protocols,
14 and procedures required by the federal government and assessed
15 by the monthly or quarterly peer reviews conducted by federally
16 qualified health centers. The associated costs for the secondary
17 reviews and QA seminars shall be the responsibility of the federally
18 qualified health centers on a pro rata basis.

19 (5) The federally qualified health centers employing physicians
20 in the program shall be required to have medical quality assurance
21 protocols and be accredited by The Joint Commission, National
22 Committee for Quality Assurance, or Accreditation Association
23 for Ambulatory Health Care.

24 (6) Participating hospitals shall have the authority to establish
25 criteria necessary to allow individuals participating in this program
26 to be granted hospital privileges in their facilities, taking into
27 consideration the need and concerns for access to patient
28 populations served by federally qualified health centers and
29 attending doctors from Mexico, especially in rural areas that do
30 not have hospitals staffed to provide deliveries of newborns.

31 (7) A licensee shall practice only in the nonprofit community
32 health center that offered the licensee employment and the
33 corresponding hospital. This three-year physician's and surgeon's
34 license shall be deemed to be a license in good standing pursuant
35 to the provisions of this chapter for the purpose of participation
36 and reimbursement in all federal, state, and local health programs.
37 These programs shall include the Medicare Program, the
38 fee-for-service and managed care delivery systems of the Medi-Cal
39 program, and private insurance. A physician from Mexico shall
40 not be denied credentials by a health plan because the physician

1 is a participant in this state program and did not receive their
2 medical education and training in the United States. The
3 nonrenewable three-year physician's and surgeon's license issued
4 pursuant to this program shall be referred to as a Physician's and
5 Surgeon's from Mexico License and shall not include any
6 additional notations beyond the current numerical identifiers that
7 the board applies.

8 (f) (1) Notwithstanding subdivisions (a) to (d), inclusive, of
9 Section 30, the board shall issue a nonrenewable three-year
10 physician's and surgeon's license pursuant to this section to an
11 applicant who has not provided an individual taxpayer
12 identification number or social security number if the board staff
13 determines the applicant is otherwise eligible for a license only
14 under the program pursuant to this section, subject to the following
15 conditions:

16 (A) The applicant shall immediately seek both an appropriate
17 three-year visa and the accompanying social security number from
18 the United States government within 14 days of being issued a
19 medical license under this section.

20 (B) The applicant shall immediately provide to the board a social
21 security number obtained in accordance with subparagraph (A)
22 within 10 days of the federal government issuing the social security
23 card related to the issued visa.

24 (C) The applicant shall not engage in the practice of medicine
25 pursuant to this section until the board determines that the
26 conditions in subparagraphs (A) and (B) have been met.

27 (2) The board, if it determines that an applicant has met the
28 conditions in paragraph (1), shall notify the applicant that the
29 applicant may engage in the practice of medicine under the license
30 in accordance with this section.

31 (g) (1) (A) Between January 1, 2025, and January 1, 2029, the
32 board shall coordinate with the representatives described in
33 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
34 no more than 155 program participants have a current and active
35 license at the same time.

36 (B) During the time period described in subparagraph (A), no
37 more than 30 of the 155 licenses may be issued to physicians whose
38 primary area of practice is psychiatry.

39 (C) During the time period described in subparagraph (A), an
40 applicant shall submit an application to the board between October

1 1, 2025, and December 31, 2025, except that the board may accept
2 up to 15 applications after December 31, 2025, and before January
3 1, 2028.

4 (2) (A) Between January 1, 2029, and January 1, 2033, the
5 board shall coordinate with the representatives described in
6 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
7 no more than 195 program participants have a current and active
8 license at the same time.

9 (B) During the time period described in subparagraph (A), no
10 more than 40 of the 195 licenses may be issued to physicians whose
11 primary area of practice is psychiatry.

12 (C) During the time period described in subparagraph (A), an
13 applicant shall submit an application to the board between October
14 1, 2029, and December 31, 2029, except that the board may accept
15 up to 19 applications after December 31, 2029, and before January
16 1, 2032.

17 (3) (A) Between January 1, 2033, and January 1, 2037, the
18 board shall coordinate with the representatives described in
19 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
20 no more than 225 program participants have a current and active
21 license at the same time.

22 (B) During the time period described in subparagraph (A), no
23 more than 40 of the 225 licenses may be issued to physicians whose
24 primary area of practice is psychiatry.

25 (C) During the time period described in subparagraph (A), an
26 applicant shall submit an application to the board between October
27 1, 2033, and December 31, 2033, except that the board may accept
28 up to 22 applications after December 31, 2033, and before January
29 1, 2036.

30 (4) (A) Between January 1, 2037, and January 1, 2041, the
31 board shall coordinate with the representatives described in
32 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
33 no more than 255 program participants have a current and active
34 license at the same time.

35 (B) During the time period described in subparagraph (A), no
36 more than 40 of the 255 licenses may be issued to physicians whose
37 primary area of practice is psychiatry.

38 (C) During the time period described in subparagraph (A), an
39 applicant shall submit an application to the board between October
40 1, 2037, and December 31, 2037, except that the board may accept

1 up to 25 applications after December 31, 2037, and before January
2 1, 2040.

3 (5) (A) Between January 1, 2041, and January 1, 2045, the
4 board shall coordinate with the representatives described in
5 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
6 no more than 275 program participants have a current and active
7 license at the same time.

8 (B) During the time period described in subparagraph (A), no
9 more than 40 of the 275 licenses may be issued to physicians whose
10 primary area of practice is psychiatry.

11 (C) During the time period described in subparagraph (A), an
12 applicant shall submit an application to the board between October
13 1, 2041, and December 31, 2041, except that the board may accept
14 up to 27 applications after December 31, 2041, and before January
15 1, 2044.

16 (6) A physician's eligibility pursuant to this subdivision is
17 subject to the physician complying with all of the requirements
18 set forth in this section.

19 (h) All applicable employment benefits, salary, and policies
20 provided by nonprofit community health centers to their current
21 employees shall be provided to medical practitioners from Mexico
22 participating in this program. This shall include nonprofit
23 community health centers providing malpractice insurance
24 coverage.

25 (i) Each program applicant shall be responsible for working
26 with the governments of Mexico and the United States in order to
27 obtain the necessary three-year visa required for program
28 participation.

29 SEC. 9. Section 2532.2 of the Business and Professions Code
30 is amended to read:

31 2532.2. Except as required by Section 2532.25, to be eligible
32 for licensure by the board as a speech-language pathologist or
33 audiologist, the applicant shall possess all of the following
34 qualifications:

35 (a) Possess at least a master's degree in speech-language
36 pathology or audiology from an educational institution approved
37 by the board or qualifications deemed equivalent by the board.

38 (b) (1) Submit evidence of the satisfactory completion of
39 supervised clinical practice with individuals representative of a
40 wide spectrum of ages and communication disorders. The board

1 shall establish by regulation the required number of clock hours,
2 not to exceed 375 clock hours, of supervised clinical practice
3 necessary for the applicant.

4 (2) The clinical practice shall be under the direction of an
5 educational institution approved by the board.

6 (c) Submit evidence of no less than 36 weeks of satisfactorily
7 completed supervised professional full-time experience or 72 weeks
8 of professional part-time experience obtained under the supervision
9 of a licensed speech-language pathologist or audiologist or a
10 speech-language pathologist or audiologist having qualifications
11 deemed equivalent by the board. This experience shall be evaluated
12 and approved by the board. The required professional experience
13 shall follow completion of the requirements listed in subdivisions
14 (a) and (b). Full time is defined as at least 36 weeks in a calendar
15 year and a minimum of 30 hours per week. Part time is defined as
16 a minimum of 72 weeks and a minimum of 15 hours per week.

17 (d) (1) Pass an examination or examinations approved by the
18 board. The board shall determine the subject matter and scope of
19 the examinations and may waive the examination upon evidence
20 that the applicant has successfully completed an examination
21 approved by the board. Written examinations may be supplemented
22 by oral examinations as the board shall determine. An applicant
23 who fails ~~his or her~~ *their* examination may be reexamined at a
24 subsequent examination upon payment of the reexamination fee
25 required by this chapter.

26 (2) A speech-language pathologist or audiologist who holds a
27 license from another state or territory of the United States or who
28 holds equivalent qualifications as determined by the board and
29 who has completed no less than one year of full-time continuous
30 employment as a speech-language pathologist or audiologist within
31 the past three years is exempt from the supervised professional
32 experience in subdivision (c).

33 (e) As applied to licensure as an audiologist, this section shall
34 apply to applicants who graduated from an approved educational
35 institution on or before December 31, 2007.

36 SEC. 10. Section 2532.3 of the Business and Professions Code
37 is amended to read:

38 2532.3. (a) Upon approval of an application filed pursuant to
39 Section 2532.1, and upon the payment of the fee prescribed by
40 subdivision (i) of Section 2534.2, the board may issue a temporary

1 license for a period of six months from the date of issuance to a
2 speech-language pathologist or audiologist who holds an
3 unrestricted license from another state or territory of the United
4 States or who holds equivalent qualifications as determined by the
5 board and has made application to the board for a license in this
6 state.

7 (b) A temporary license shall terminate upon notice thereof by
8 certified mail, return receipt requested, if it is issued by mistake
9 or if the application for permanent licensure is denied.

10 (c) Upon written application, the board may reissue a temporary
11 license to any person who has applied for a regular renewable
12 license pursuant to Section 2532.1, and who, in the judgment of
13 the board, has been excusably delayed in completing ~~his or her~~
14 *their* application or the minimum requirements for a regular license.
15 The board may not reissue a temporary license more than twice
16 to any one person.

17 SEC. 11. Section 2532.4 of the Business and Professions Code
18 is amended to read:

19 2532.4. (a) The board may direct applicants to be examined
20 for knowledge in whatever theoretical or applied fields in
21 speech-language pathology or audiology it deems appropriate. It
22 may examine the applicant with regard to ~~his or her~~ *their*
23 professional skills and ~~his or her~~ *their* judgment in the utilization
24 of speech-language pathology or audiology techniques and
25 methods.

26 (b) The examination may be written or oral or both. The
27 examination shall be given at least once a year at the time and
28 place and under such supervision as the board may determine. The
29 board shall determine what shall constitute a passing grade.

30 (c) The board shall keep an accurate recording of any oral
31 examination and keep the recordings as well as any written
32 examination as part of its records for at least two years following
33 the date of examination.

34 SEC. 12. Section 2532.6 of the Business and Professions Code
35 is amended to read:

36 2532.6. (a) The Legislature recognizes that the education and
37 experience requirements of this chapter constitute only minimal
38 requirements to assure the public of professional competence. The
39 Legislature encourages all professionals licensed and registered
40 by the board under this chapter to regularly engage in continuing

1 professional development and learning that is related and relevant
2 to the professions of speech-language pathology and audiology.

3 (b) The board shall not renew any license or registration pursuant
4 to this chapter unless the applicant certifies to the board that ~~he or~~
5 ~~she has~~ *they have* completed in the preceding two years not less
6 than the minimum number of continuing professional development
7 hours established by the board pursuant to subdivision (c) for the
8 professional practice authorized by ~~his or her~~ *their* license or
9 registration.

10 (c) (1) The board shall prescribe the forms utilized for and the
11 number of hours of required continuing professional development
12 for persons licensed or registered under this chapter.

13 (2) The board shall have the right to audit the records of any
14 applicant to verify the completion of the continuing professional
15 development requirements.

16 (3) Applicants shall maintain records of completion of required
17 continuing professional development coursework for a minimum
18 of two years and shall make these records available to the board
19 for auditing purposes upon request.

20 (d) The board shall establish exceptions from the continuing
21 professional development requirements of this section for good
22 cause as defined by the board.

23 (e) (1) The continuing professional development services shall
24 be obtained from accredited institutions of higher learning,
25 organizations approved as continuing education providers by either
26 the American Speech-Language Hearing Association or the
27 American Academy of Audiology, the California Medical
28 Association's Institute for Medical Quality Continuing Medical
29 Education Program, or other entities or organizations approved as
30 continuing professional development providers by the board, in
31 its discretion.

32 (2) No hours shall be credited for any course enrolled in by a
33 licensee that has not first been approved and certified by the board,
34 if the board has sufficient funding and staff resources to implement
35 the approval and certification process.

36 (3) The continuing professional development services offered
37 by these entities may, but are not required to, utilize pretesting and
38 posttesting or other evaluation techniques to measure and
39 demonstrate improved professional learning and competency.

1 (4) An accredited institution of higher learning, an organization
2 approved as continuing education providers by either the American
3 Speech-Language Hearing Association or the American Academy
4 of Audiology, and the California Medical Association's Institute
5 for Medical Quality Continuing Education Program shall be exempt
6 from any application or registration fees that the board may charge
7 for continuing education providers.

8 (5) Unless a course offered by entities listed in paragraph (4)
9 meets the requirements established by the board, the course may
10 not be credited towards the continuing professional development
11 requirements for license renewal.

12 (6) The licensee shall be responsible for obtaining the required
13 course completion documents for courses offered by entities
14 specified in paragraph (1).

15 (f) The board, by regulation, shall fund the administration of
16 this section through professional development services provider
17 and licensing fees to be deposited in the Speech-Language
18 Pathology and Audiology-~~Board~~ and Hearing Aid Dispensers
19 Fund. The fees related to the administration of this section shall
20 be sufficient to meet, but shall not exceed, the costs of
21 administering the corresponding provisions of this section.

22 (g) The continuing professional development requirements
23 adopted by the board shall comply with any guidelines for
24 mandatory continuing education established by the Department of
25 Consumer Affairs.

26 SEC. 13. Section 2532.7 of the Business and Professions Code
27 is amended to read:

28 2532.7. (a) Upon approval of an application filed pursuant to
29 Section 2532.1, and upon payment of the fee prescribed by Section
30 2534.2, the board may issue a required professional experience
31 (RPE) temporary license for a period to be determined by the board
32 to an applicant who is obtaining the required professional
33 experience specified in subdivision (c) of Section 2532.2 or
34 paragraph (2) of subdivision (b) of Section 2532.25.

35 (b) Effective July 1, 2003, no person shall obtain the required
36 professional experience for licensure in either an exempt or
37 nonexempt setting, as defined in Section 2530.5, unless ~~he or she~~
38 *is they are* licensed in accordance with this section or is completing
39 the final clinical externship of a board-approved audiology doctoral

1 training program in accordance with paragraph (2) of subdivision
2 (b) of Section 2532.25 in another state.

3 (c) A person who obtains an RPE temporary license outside the
4 State of California shall not be required to hold a temporary license
5 issued pursuant to subdivision (a) if the person is completing the
6 final clinical externship of an audiology doctoral training program
7 in accordance with paragraph (2) of subdivision (b) of Section
8 2532.25.

9 (d) Any experience obtained in violation of this act shall not be
10 approved by the board.

11 (e) An RPE temporary license shall terminate upon notice
12 thereof by certified mail, return receipt requested, if it is issued by
13 mistake or if the application for permanent licensure is denied.

14 (f) Upon written application, the board may reissue an RPE
15 temporary license for a period to be determined by the board to
16 an applicant who is obtaining the required professional experience
17 specified in subdivision (c) of Section 2532.2 or paragraph (2) of
18 subdivision (b) of Section 2532.25.

19 SEC. 14. Section 2536 of the Business and Professions Code
20 is amended to read:

21 2536. A speech-language pathology corporation or an audiology
22 corporation is a corporation which is authorized to render
23 professional services, as defined in Section 13401 of the
24 Corporations Code, so long as that corporation and its shareholders,
25 officers, directors, and employees rendering professional services
26 who are speech-language pathologists or audiologists are in
27 compliance with the Moscone-Knox Professional Corporation Act,
28 this article, and all other statutes and regulations now or hereafter
29 enacted or adopted pertaining to the corporation and the conduct
30 of its affairs.

31 With respect to a speech-language pathology corporation or an
32 audiology corporation, the governmental agency referred to in the
33 Moscone-Knox Professional Corporation Act is the
34 Speech-Language Pathology and Audiology *and Hearing Aid*
35 *Dispensers* Board.

36 SEC. 15. Section 6584 of the Business and Professions Code
37 is amended to read:

38 6584. A license issued under this chapter may be suspended,
39 revoked, denied, or other disciplinary action may be imposed for
40 one or more of the following causes:

1 (a) Conviction of any felony or any misdemeanor, if the
2 misdemeanor is substantially related to the functions and duties
3 of a professional fiduciary. The record of conviction, or a certified
4 copy thereof, is conclusive evidence of the conviction.

5 (b) Failure to notify the bureau of a conviction as required by
6 paragraph ~~(10)~~ (11) of subdivision (a) of Section 6561.

7 (c) Fraud or misrepresentation in obtaining a license.

8 (d) Fraud, dishonesty, corruption, willful violation of duty, gross
9 negligence or incompetence in practice, or unprofessional conduct
10 in, or related to, the practice of a professional fiduciary. For
11 purposes of this section, unprofessional conduct includes, but is
12 not limited to, acts contrary to professional standards concerning
13 any provision of law substantially related to the duties of a
14 professional fiduciary.

15 (e) Failure to comply with, or to pay a monetary sanction
16 imposed by, a court for failure to provide timely reports. The record
17 of the court order, or a certified copy thereof, is conclusive
18 evidence that the sanction was imposed.

19 (f) Failure to pay a civil penalty relating to the licensee's
20 professional fiduciary duties.

21 (g) The revocation of, suspension of, or other disciplinary action
22 against, any other professional license by the State of California
23 or by another state. A certified copy of the revocation, suspension,
24 or disciplinary action is conclusive evidence of that action.

25 (h) Violation of this chapter or of the applicable provisions of
26 Division 4 (commencing with Section 1400), Division 4.5
27 (commencing with Section 4000), Division 4.7 (commencing with
28 Section 4600), or Division 5 (commencing with Section 5000) of
29 the Probate Code or of any of the statutes, rules, or regulations
30 pertaining to duties or functions of a professional fiduciary.

31 SEC. 16. Section 7076.5 of the Business and Professions Code
32 is amended to read:

33 7076.5. (a) A contractor may inactivate ~~his or her~~ *their* license
34 by submitting a form prescribed by the registrar accompanied by
35 the current active license certificate. When the current license
36 certificate has been lost, the licensee shall pay the fee prescribed
37 by law to replace the license certificate. Upon receipt of an
38 acceptable application to inactivate, the registrar shall issue an
39 inactive license certificate to the contractor. The holder of an

1 inactive license shall not be entitled to practice as a contractor until
2 ~~his or her~~ *their* license is reactivated.

3 (b) Any licensed contractor who is not engaged in work or
4 activities which require a contractor's license may apply for an
5 inactive license.

6 (c) Inactive licenses shall be valid for a period of four years
7 from their due date.

8 (d) During the period that an existing license is inactive, no
9 bonding requirement pursuant to Section 7071.6, ~~7071.8 or 7071.9~~
10 ~~or 7071.8, or 7071.9~~, qualifier requirement pursuant to Section
11 ~~7068~~ 7068, *or workers' compensation requirements pursuant to*
12 *Section 7125* shall apply. An applicant for license having met the
13 qualifications for issuance may request that the license be issued
14 inactive unless the applicant is subject to the provisions of Section
15 7071.8.

16 (e) The board shall not refund any of the renewal fee which a
17 licensee may have paid prior to the inactivation of ~~his or her~~ *their*
18 license.

19 (f) An inactive license shall be renewed on each established
20 renewal date by submitting the renewal application and paying the
21 inactive renewal fee.

22 (g) An inactive license may be reactivated by submitting an
23 application acceptable to the registrar, by paying the full renewal
24 fee for an active license and by fulfilling all other requirements of
25 this chapter. No examination shall be required to reactivate an
26 inactive license.

27 (h) The inactive status of a license shall not bar any disciplinary
28 action by the board against a licensee for any of the causes stated
29 in this chapter.

30 SEC. 17. Section 7137 of the Business and Professions Code
31 is amended to read:

32 7137. (a) The board may set fees by regulation. These fees
33 shall be set according to the following schedule:

34 (1) Application fees shall be set as follows:

35 (A) The application fee for an original license in a single
36 classification shall be four hundred fifty dollars (\$450) and may
37 be increased to not more than five hundred sixty-three dollars
38 (\$563).

39 (B) The application fee for each additional classification applied
40 for in connection with an original license shall be one hundred

1 fifty dollars (\$150) and may be increased to not more than one
2 hundred eighty-eight dollars (\$188).

3 (C) The application fee for each additional classification
4 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
5 and may be increased to not more than two hundred eighty-eight
6 dollars (\$288).

7 (D) The application fee to replace a responsible managing
8 officer, responsible managing manager, responsible managing
9 member, or responsible managing employee pursuant to Section
10 7068.2 shall be two hundred thirty dollars (\$230) and may be
11 increased to not more than two hundred eighty-eight dollars (\$288).

12 (E) The application fee to add personnel, other than a qualifying
13 individual, to an existing license shall be one hundred twenty-five
14 dollars (\$125) and may be increased to not more than one hundred
15 fifty-seven dollars (\$157).

16 (F) The application fee for an asbestos certification shall be one
17 hundred twenty-five dollars (\$125) and may be increased to not
18 more than one hundred fifty-seven dollars (\$157).

19 (G) The application fee for a hazardous substance removal or
20 remedial action certification shall be one hundred twenty-five
21 dollars (\$125) and may be increased to not more than one hundred
22 fifty-seven dollars (\$157).

23 (2) The fee to take an examination conducted or administered
24 by a public or private organization pursuant to Section 7065 shall
25 be no greater than the actual cost of the administration of the
26 examination and shall be paid directly to the organization by the
27 applicant.

28 (3) Initial license and registration fees shall be set as follows:

29 (A) The initial license fee for an active or inactive license for
30 an individual owner shall be two hundred dollars (\$200) and may
31 be increased to not more than two hundred fifty dollars (\$250).

32 (B) The initial license fee for an active or inactive license for a
33 partnership, corporation, limited liability company, or joint venture
34 shall be three hundred fifty dollars (\$350) and may be increased
35 to not more than four hundred thirty-eight dollars (\$438).

36 (C) The registration fee for a home improvement salesperson
37 shall be two hundred dollars (\$200) and may be increased to not
38 more than two hundred fifty dollars (\$250).

39 (D) (i) The board shall grant a 50-percent reduction in the fees
40 prescribed by this paragraph to an applicant who is a veteran of

1 the United States Armed Forces, including the National Guard or
2 Reserve components, and was not dishonorably discharged.

3 (ii) To demonstrate discharge grade at the time of the board's
4 request for the initial license or registration fee, the applicant shall
5 provide the board a copy of a current and valid driver's license or
6 identification card issued by this state or another state with the
7 word "Veteran" printed on its face or a copy of their DD214 long
8 form.

9 (4) License and registration renewal fees shall be set as follows:

10 (A) The renewal fee for an active license for an individual owner
11 shall be four hundred fifty dollars (\$450) and may be increased to
12 not more than five hundred sixty-three dollars (\$563).

13 (B) The renewal fee for an inactive license for an individual
14 owner shall be three hundred dollars (\$300) and may be increased
15 to not more than three hundred seventy-five dollars (\$375).

16 (C) The renewal fee for an active license for a partnership,
17 corporation, limited liability company, or joint venture shall be
18 seven hundred dollars (\$700) and may be increased to not more
19 than eight hundred seventy-five dollars (\$875).

20 (D) The renewal fee for an inactive license for a partnership,
21 corporation, limited liability company, or joint venture shall be
22 five hundred dollars (\$500) and may be increased to not more than
23 six hundred twenty-five dollars (\$625).

24 (E) The renewal fee for a home improvement salesperson
25 registration shall be two hundred dollars (\$200) and may be
26 increased to not more than two hundred fifty dollars (\$250).

27 (5) The delinquency fee is an amount equal to 50 percent of the
28 renewal fee, if the license is renewed after its expiration.

29 (6) Miscellaneous fees shall be set as follows:

30 (A) In addition to any other fees charged to C-10 contractors,
31 the board shall charge a fee of twenty dollars (\$20), to be assessed
32 with the renewal fee for an active license, which shall be used by
33 the board to enforce provisions of the Labor Code related to
34 electrician certification.

35 (B) The board shall require a licensee that is subject to a public
36 complaint requiring a professional or expert investigation or
37 inspection and report pursuant to Section 7019 to pay those
38 reasonable fees that are necessary to cover the costs of that
39 investigation or inspection and report, in accordance with the
40 following provisions:

1 (i) Fees shall be fixed in an amount not more than the board's
2 cost of contracting for the investigation or inspection and report,
3 except that the minimum fee shall be one hundred dollars (\$100)
4 for each investigation or inspection and report and may be
5 increased to not more than one thousand dollars (\$1,000) for each
6 investigation or inspection and report.

7 (ii) The fee shall only be assessed for an investigation or
8 inspection and report that resulted in issuance of a letter of
9 admonishment or a citation pursuant to Sections 7099 and ~~7099.9~~.
10 *7099.9 that has become a final order of the registrar.*

11 (iii) ~~The full amount of the assessed fee shall be added to the~~
12 ~~fee for the active or inactive renewal of a licensee who is subject~~
13 ~~to this subparagraph.~~ A license shall not be renewed without
14 payment of the renewal fee and all fees for the investigation or
15 inspection and report pursuant to this subparagraph.

16 (C) The service fee to deposit with the registrar lawful money
17 or cashier's check pursuant to paragraph (1) of subdivision (a) of
18 Section 995.710 of the Code of Civil Procedure for purposes of
19 compliance with any provision of Article 5 (commencing with
20 Section 7065) shall be one hundred dollars (\$100), which shall be
21 used by the board only to process each deposit filed with the
22 registrar, to cover the reasonable costs to the registrar for holding
23 money or cashier's checks in trust in interest bearing deposit or
24 share accounts, and to offset the costs of processing payment of
25 lawful claims against a deposit in a civil action.

26 (D) The fee for the processing and issuance of a duplicate copy
27 of any certificate of licensure or other form evidencing licensure
28 or renewal of licensure pursuant to Section 122 shall be twenty-five
29 dollars (\$25).

30 (E) The fee to change the business name of a license as it is
31 recorded under this chapter shall be one hundred dollars (\$100)
32 and may be increased to not more than one hundred twenty-five
33 dollars (\$125).

34 (F) The service charge for a dishonored check authorized by
35 Section 6157 of the Government Code shall be twenty-five dollars
36 (\$25) for each check.

37 (b) The board shall, by regulation, establish criteria for the
38 approval of expedited processing of applications. Approved
39 expedited processing of applications for licensure or registration,

1 as required by other provisions of law, shall not be subject to this
2 subdivision.

3 SEC. 18. Section 7152 of the Business and Professions Code
4 is amended to read:

5 7152. (a) “Home improvement salesperson” is a person who
6 is registered under this chapter and engaged in the business of
7 soliciting, selling, negotiating, or executing contracts for home
8 improvements, for the sale, installation or furnishing of home
9 improvement goods or services, or of swimming pools, spas, or
10 hot tubs on behalf of a home improvement contractor licensed
11 under this chapter.

12 (b) A home improvement salesperson shall register with the
13 board in order to engage in the business of, or act in the capacity
14 of, a home improvement salesperson.

15 (c) Subject to the provisions of Section 7154, a home
16 improvement salesperson may be employed by one, or more than
17 one, home improvement contractor. However, prior to engaging
18 in any activity described in subdivision (a) of this section, a home
19 improvement salesperson shall identify to the owner or tenant the
20 business name and license number of the contractor they are
21 representing for the purposes of that transaction. Failure to do so
22 is a cause of disciplinary action within the meaning of Section
23 7155.

24 (d) The following shall not be required to be registered as home
25 improvement salespersons:

26 (1) An officer of record of a corporation licensed pursuant to
27 this chapter, or a manager, member, or officer of record of a limited
28 liability company licensed pursuant to this chapter.

29 (2) A general partner listed on the license record of a partnership
30 licensed pursuant to this chapter.

31 (3) A qualifying person, as defined in Section 7025.

32 (4) A salesperson whose sales are all made pursuant to
33 negotiations between the parties if the negotiations are initiated
34 by the prospective buyer at or with a general merchandise retail
35 establishment that operates from a fixed location where goods or
36 services are offered for sale.

37 (5) A person who contacts the prospective buyer for the
38 exclusive purpose of scheduling appointments for a registered
39 home improvement salesperson.

1 (6) A bona fide service repairperson who is in the employ of a
2 licensed contractor and whose repair or service call is limited to
3 the service, repair, or emergency repair initially requested by the
4 buyer of the service.

5 (e) The exemption to registration provided under paragraphs
6 (1), (2), and (3) of subdivision~~(e)~~ (d) shall apply only to those
7 individuals who, at the time of the sales transaction, are listed as
8 personnel of record for the licensee responsible for soliciting,
9 negotiating, or contracting for a service or improvement that is
10 subject to regulation under this article.

11 SEC. 19. Section 7524 of the Business and Professions Code
12 is amended to read:

13 7524. (a) Every agreement to provide a service regulated by
14 this chapter, including, but not limited to, contract agreements and
15 investigative agreements, shall be in writing. An initial client
16 service agreement shall contain, but not be limited to, the
17 following:

18 (1) The licensed private investigator's name, business address,
19 business telephone number, and license number.

20 (2) A disclosure that private investigators are licensed and
21 regulated by the Bureau of Security and Investigative Services
22 within the Department of Consumer Affairs.

23 (3) Approximate start and completion dates of the work to be
24 provided.

25 (4) A description of the scope of the investigation or services
26 to be provided. An agreement shall indicate whether or not a
27 written report is to be provided to the client and the agreed upon
28 method of delivery of that written report, as applicable.

29 (5) All labor, services, and materials to be provided for the scope
30 of work conducted by the private investigator.

31 (6) An explanation of the fees agreed upon by the parties,
32 including a breakdown of how the fees are assessed by the licensee.

33 (7) Any other matters agreed upon by the parties.

34 (b) Any amendment, addendum, or other modification to an
35 initial client service agreement shall be in writing and is subject
36 to the requirements of this section. An amendment, addendum, or
37 other modification shall include a description of the changes to
38 the scope of work, start and completion dates, method of delivery,
39 fees to be charged, and other matters agreed upon in the initial
40 client service agreement, as applicable.

1 (c) (1) The initial client service agreement and any amendment,
2 addendum, or other modification to the agreement shall be legible
3 and clearly indicate any other document incorporated into it.

4 (2) Before any work commences, the client shall receive a signed
5 copy of the written initial client service agreement and any
6 amendment, addendum, or other modification to the agreement
7 that was agreed to before commencement of the work.

8 (3) Services detailed under the scope of work shall not be
9 performed and charges shall not accrue before written authorization
10 to proceed is obtained from the client.

11 (d) Upon completion of the investigation, any written report,
12 as agreed upon by all parties and indicated in the agreement, shall
13 be provided to the client within 30 days from the completion date
14 and in accordance with the agreed upon delivery method.

15 (e) The licensee shall maintain a legible copy of the signed
16 agreement and investigative findings, including any written report,
17 for a minimum of two years. These records shall be made available
18 for inspection by the bureau upon demand. *Making these records*
19 *available for inspection by the bureau shall not violate, waive, or*
20 *extinguish the lawyer-client privilege under Article 3 (commencing*
21 *with Section 950) of Chapter 4 of Division 8 of the Evidence Code,*
22 *the attorney work product doctrine as restated in Chapter 4*
23 *(commencing with Section 2018.010) of Title 4 of Part 4 of the*
24 *Code of Civil Procedure, the duty to maintain the confidence and*
25 *preserve the secrets of an attorney's client under subdivision (e)*
26 *of Section 6068, or the protections of any other rule or law related*
27 *to attorney work product or the attorney-client privilege.*

28 (f) This section shall become operative on July 1, 2025.

29 SEC. 20. Section 8027 of the Business and Professions Code
30 is amended to read:

31 8027. (a) As used in this section, "school" means a court
32 reporter training program or an institution that provides a course
33 of instruction approved by the board and the Bureau for Private
34 Postsecondary Education, is a public school in this state, or is
35 accredited by the Western Association of Schools and Colleges.

36 (b) A court reporting school shall be primarily organized to train
37 students for the practice of shorthand reporting, as defined in
38 Sections 8016 and 8017. Its educational program shall be on the
39 postsecondary or collegiate level. It shall be legally organized and
40 authorized to conduct its program under all applicable laws of the

1 state, and shall conform to and offer all components of the
2 minimum prescribed course of study established by the board. Its
3 records shall be kept and shall be maintained in a manner to render
4 them safe from theft, fire, or other loss. The records shall indicate
5 positive daily and clock-hour attendance of each student for all
6 classes, apprenticeship and graduation reports, high school
7 transcripts or the equivalent or self-certification of high school
8 graduation or the equivalent, transcripts of other education, and
9 student progress to date, including all progress and counseling
10 reports.

11 (c) Any school intending to offer a program in court reporting
12 shall notify the board within 30 days of the date on which it
13 provides notice to, or seeks approval from, the State Department
14 of Education, the Bureau for Private Postsecondary Education, the
15 Office of the Chancellor of the California Community Colleges,
16 or the Western Association of Schools and Colleges, whichever
17 is applicable. The board shall review the proposed curriculum and
18 provide the school tentative approval, or notice of denial, within
19 60 days of receipt of the notice. The school shall apply for
20 provisional recognition pursuant to subdivision (d) within no more
21 than one year from the date it begins offering court reporting
22 classes.

23 (d) The board may grant provisional recognition to a new court
24 reporting school upon satisfactory evidence that it has met all of
25 the provisions of subdivision (b) and this subdivision. Recognition
26 may be granted by the board to a provisionally recognized school
27 after it has been in continuous operation for a period of no less
28 than three consecutive years from the date provisional recognition
29 was granted, during which period the school shall provide
30 satisfactory evidence that at least one person has successfully
31 completed the entire course of study established by the board and
32 complied with the provisions of Section 8020, and has been issued
33 a certificate to practice shorthand reporting as defined in Sections
34 8016 and 8017. The board may, for good cause shown, extend the
35 three-year provisional recognition period for not more than one
36 year. Failure to meet the provisions and terms of this section shall
37 require the board to deny recognition. Once granted, recognition
38 may be withdrawn by the board for failure to comply with all
39 applicable laws and regulations.

1 (e) Application for recognition of a court reporting school shall
2 be made upon a form prescribed by the board and shall be
3 accompanied by all evidence, statements, or documents requested.
4 Each branch, extension center, or off-campus facility requires
5 separate application.

6 (f) All recognized and provisionally recognized court reporting
7 schools shall notify the board of any change in school name,
8 address, telephone number, responsible court reporting program
9 manager, owner of private schools, and the effective date thereof,
10 within 30 days of the change. All of these notifications shall be
11 made in writing.

12 (g) A school shall notify the board in writing immediately of
13 the discontinuance or pending discontinuance of its court reporting
14 program or any of the program's components. Within two years
15 of the date this notice is sent to the board, the school shall
16 discontinue its court reporting program in its entirety. The board
17 may, for good cause shown, grant not more than two one-year
18 extensions of this period to a school. If a student is to be enrolled
19 after this notice is sent to the board, a school shall disclose to the
20 student the fact of the discontinuance or pending discontinuance
21 of its court reporting program or any of its program components.

22 (h) The board shall maintain a roster of currently recognized
23 and provisionally recognized court reporting schools, including,
24 but not limited to, the name, address, telephone number, and the
25 name of the responsible court reporting program manager of each
26 school.

27 (i) The board shall maintain statistics that display the number
28 and passing percentage of all first-time examinees, including, but
29 not limited to, those qualified by each recognized or provisionally
30 recognized school and those first-time examinees qualified by
31 other methods as defined in Section 8020.

32 (j) Inspections and investigations shall be conducted by the
33 board as necessary to carry out this section, including, but not
34 limited to, unannounced site visits.

35 (k) All recognized and provisionally recognized schools shall
36 print in their school or course catalog the name, address, and
37 telephone number of the board. At a minimum, the information
38 shall be in 8-point bold type and include the following statement:
39

1 “IN ORDER FOR A PERSON TO QUALIFY FROM A
2 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,
3 THE PERSON SHALL COMPLETE A PROGRAM AT A
4 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING
5 THE MINIMUM REQUIREMENTS THAT A COURT
6 REPORTING PROGRAM MUST MEET IN ORDER TO BE
7 RECOGNIZED, CONTACT: THE COURT REPORTERS
8 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE
9 NUMBER).”

10
11 (l) Each court reporting school shall file with the board, not
12 later than June 30 of each year, a current school catalog that shows
13 all course offerings and staff, and for private schools, the owner,
14 except that where there have been no changes to the catalog within
15 the previous year, no catalog need be sent. In addition, each school
16 shall also file with the board a statement certifying whether the
17 school is in compliance with all statutes and the rules and
18 regulations of the board, signed by the responsible court reporting
19 program manager.

20 (m) A school offering court reporting shall not make any written
21 or verbal claims of employment opportunities or potential earnings
22 unless those claims are based on verified data and reflect current
23 employment conditions.

24 (n) If a school offers a course of instruction that exceeds the
25 board’s minimum requirements, the school shall disclose orally
26 and in writing the board’s minimum requirements and how the
27 course of instruction differs from those criteria. The school shall
28 make this disclosure before a prospective student executes an
29 agreement obligating that person to pay any money to the school
30 for the course of instruction. The school shall also make this
31 disclosure to all students enrolled on January 1, 2002.

32 (o) Private and public schools shall provide each prospective
33 student with all of the following and have the prospective student
34 sign a document that shall become part of that individual’s
35 permanent record, acknowledging receipt of each item:

36 (1) A student consumer information brochure published by the
37 board.

38 (2) A list of the school’s graduation requirements, including the
39 number of tests, the pass point of each test, the speed of each test,
40 and the type of test, such as jury charge or literary.

1 (3) A list of requirements to qualify for the state-certified
2 shorthand reporter licensing examination, including the number
3 of tests, the pass point of each test, the speed of each test, and the
4 type of test, such as jury charge or literary, if different than those
5 requirements listed in paragraph (2).

6 (4) A copy of the school's board-approved benchmarks for
7 satisfactory progress as identified in subdivision (u).

8 (5) A report showing the number of students from the school
9 who qualified for each of the certified shorthand reporter licensing
10 examinations within the preceding two years, the number of those
11 students that passed each examination, the time, as of the date of
12 qualification, that each student was enrolled in court reporting
13 school, and the placement rate for all students that passed each
14 examination.

15 (6) On and after January 1, 2005, the school shall also provide
16 to prospective students the number of hours each currently enrolled
17 student who has qualified to take the next licensing test, exclusive
18 of transfer students, has attended court reporting classes.

19 (p) All enrolled students shall have the information in
20 subdivisions (n) and (o) on file no later than June 30, 2005.

21 (q) Public schools shall provide the information in subdivisions
22 (n) and (o) to each new student the first day ~~he or she attends~~ *they*
23 *attend* theory or machine speed class, if it was not provided
24 previously.

25 (r) Each enrolled student shall be provided written notification
26 of any change in qualification or graduation requirements that is
27 being implemented due to the requirements of any one of the
28 school's oversight agencies. This notice shall be provided to each
29 affected student at least 30 days before the effective date of the
30 change and shall state the new requirement and the name, address,
31 and telephone number of the agency that is requiring it of the
32 school. Each student shall initial and date a document
33 acknowledging receipt of that information and that document, or
34 a copy thereof, shall be made part of the student's permanent file.

35 (s) Schools shall make available a comprehensive final
36 examination in each academic subject to any student desiring to
37 challenge an academic class in order to obtain credit towards
38 certification for the state licensing examination. The points required
39 to pass a challenge examination shall not be higher than the

1 minimum points required of other students completing the
2 academic class.

3 (t) An individual serving as a teacher, instructor, or reader shall
4 meet the qualifications specified by regulation for ~~his or her~~ *their*
5 position.

6 (u) Each school shall provide a substitute teacher or instructor
7 for any class for which the teacher or instructor is absent for two
8 consecutive days or more.

9 (v) The board has the authority to approve or disapprove
10 benchmarks for satisfactory progress which each school shall
11 develop for its court reporting program. Schools shall use only
12 board-approved benchmarks to comply with the provisions of
13 paragraph (4) of subdivision (o) and subdivision (u).

14 (w) Each school shall counsel each student a minimum of one
15 time within each 12-month period to identify the level of attendance
16 and progress, and the prognosis for completing the requirements
17 to become eligible to sit for the state licensing examination. If the
18 student has not progressed in accordance with the board-approved
19 benchmarks for that school, the student shall be counseled a
20 minimum of one additional time within that same 12-month period.

21 (x) The school shall provide to the board, for each student
22 qualifying through the school as eligible to sit for the state licensing
23 examination, the number of hours the student attended court
24 reporting classes, both academic and machine speed classes,
25 including theory.

26 (y) The pass rate of first-time examination takers for each school
27 offering court reporting shall meet or exceed the average pass rate
28 of all first-time test takers for a majority of examinations given
29 for the preceding three years. Failure to do so shall require the
30 board to conduct a review of the program. In addition, the board
31 may place the school on probation and may withdraw recognition
32 if the school continues to place below the above-described standard
33 on the two examinations that follow the three-year period.

34 (z) A school shall not require more than one 10-minute
35 qualifying examination, as defined in the regulations of the board,
36 for a student to be eligible to sit for the state certification
37 examination.

38 (aa) A school shall provide the board the actual number of hours
39 of attendance for each applicant the school qualifies for the state
40 licensing examination.

(ab) The board shall, by December 1, 2001, do the following by regulation as necessary:

(1) Establish the format that shall be used by schools to report tracking of all attendance hours and actual timeframes for completed coursework.

(2) Require schools to provide a minimum of 10 hours of live dictation class each school week for every full-time student.

(3) Require schools to provide students with the opportunity to read back from their stenographic notes a minimum of one time each day to ~~his or her~~ *their* instructor.

(4) Require schools to provide students with the opportunity to practice with a school-approved speed-building audio recording, or other assigned material, a minimum of one hour per day after school hours as a homework assignment and provide the notes from this audio recording to their instructor the following day for review.

(5) Develop standardization of policies on the use and administration of qualifier examinations by schools.

(6) Define qualifier examination as follows: the qualifier examination shall consist of 4-voice testimony of 10-minute duration at 200 words per minute, graded at ~~97.5~~ 95 percent accuracy, and in accordance with the guidelines followed by the board. Schools shall be required to date and number each qualifier and announce the date and number to the students at the time of administering the qualifier. All qualifiers shall indicate the actual dictation time of the test and the school shall catalog and maintain the qualifier for a period of not less than three years for the purpose of inspection by the board.

(7) Require schools to develop a program to provide students with the opportunity to interact with professional court reporters to provide skill support, mentoring, or counseling that they can document at least quarterly.

(8) Define qualifications and educational requirements required of instructors and readers that read test material and qualifiers.

(ac) The board shall adopt regulations to implement the requirements of this section not later than September 1, 2002.

(ad) The board may recover costs for any additional expenses incurred under the enactment amending this section in the 2001–02 Regular Session of the Legislature pursuant to its fee authority in Section 8031.

1 SEC. 21. Section 9889.1 of the Business and Professions Code
2 is amended to read:

3 9889.1. Any license issued pursuant to ~~Articles 5 and 6, Article~~
4 *6.5 (commencing with Section 9888.5)* may be suspended or
5 revoked by the director. The director may refuse to issue a license
6 to any applicant for the reasons set forth in Section 9889.2. The
7 proceedings under this article shall be conducted in accordance
8 with Chapter 5 (commencing with Section 11500) of Part 1 of
9 Division 3 of Title 2 of the Government Code, and the director
10 shall have all the powers granted therein.

11 SEC. 22. Section 9889.2 of the Business and Professions Code
12 is amended to read:

13 9889.2. The director may deny a license if the applicant or any
14 partner, officer, or director thereof:

15 (a) Fails to meet the qualifications established by the bureau
16 pursuant to ~~Articles 5 and 6 of this chapter~~ *Article 6.5 (commencing*
17 *with Section 9888.5)* for the issuance of the license applied for.

18 (b) Was previously the holder of a license issued under this
19 chapter which license has been revoked and never reissued or
20 which license was suspended and the terms of the suspension have
21 not been fulfilled.

22 (c) Has committed any act which, if committed by any licensee,
23 would be grounds for the suspension or revocation of a license
24 issued pursuant to this chapter.

25 (d) Has committed any act involving dishonesty, fraud, or deceit
26 whereby another is injured or whereby the applicant has benefited.

27 (e) Has acted in the capacity of a licensed person or firm under
28 this chapter without having a license therefor.

29 (f) Has entered a plea of guilty or nolo contendere to, or been
30 found guilty of, or been convicted of a crime substantially related
31 to the qualifications, functions and duties of the license holder in
32 question, and the time for appeal has elapsed or the judgment of
33 conviction has been affirmed on appeal, irrespective of an order
34 granting probation following such conviction, suspending the
35 imposition of sentence, or of a subsequent order under the
36 provisions of Section 1203.4 of the Penal Code allowing such
37 person to withdraw ~~his~~ *their* plea of guilty and to enter a plea of
38 not guilty, or setting aside the plea or verdict of guilty, or
39 dismissing the accusation or information.

SEC. 23. Section 9889.9 of the Business and Professions Code is amended to read:

9889.9. When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under ~~Articles 5 and 6 of this chapter~~ *Article 6.5 (commencing with Section 9888.5)* in the name of the licensee may be likewise revoked or suspended by the director.

SEC. 24. Section 12107 of the Business and Professions Code is amended to read:

12107. The secretary shall establish tolerances and specifications and other technical requirements for commercial weighing and measuring. In doing so, the secretary shall adopt, by reference, the latest standards as recommended by the National ~~Conference Council~~ *Council* on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44 “Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices,” except as specifically modified, amended, or rejected by regulation adopted by the secretary.

The secretary may, by regulation, establish tolerances and specifications for commercial weighing and measuring devices not included in Handbook 44.

Any regulation shall be adopted, amended, or repealed in conformity with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

It shall be unlawful for any person to violate any of the rules, regulations, tolerances, specifications, or standards established under this section.

SEC. 25. Section 12211 of the Business and Professions Code is amended to read:

12211. Each sealer shall, from time to time, weigh or measure packages, containers, or amounts of commodities sold, or in the process of delivery, in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law.

The secretary shall adopt necessary regulations governing the procedures to be followed by sealers in connection with the weighing or measuring of amounts of commodities in individual packages, containers, or lots of packages or containers, including the procedures for sampling a lot, and for determining whether

1 any package, container, or a lot of packages or containers complies
2 with this section.

3 In adopting those regulations, the secretary shall adopt by
4 reference the package checking procedures recommended by the
5 National ~~Conference~~ *Council* on Weights and Measures and
6 published in the current edition of the National Institute of
7 Standards and Technology Handbook 133, "Checking the Net
8 Contents of Packaged Goods," and any subsequent amendments
9 thereto, except insofar as those requirements are specifically
10 modified, amended, or rejected by a regulation adopted by the
11 secretary.

12 Any lot, package, or container of any commodity that conforms
13 to this section shall be deemed to be in conformity with this
14 division relating to stated net weights or measures.

15 Whenever a lot, package, or container of any commodity is found
16 to contain, through the procedures authorized in this section, a less
17 amount than that represented, the sealer shall order, in writing,
18 that lot, package, or container of commodity off sale and require
19 that an accurate statement of quantity be placed on each package
20 or container before it may be released for sale by the sealer in
21 writing. The sealer may seize as evidence any package or container
22 that is found to contain a less amount than that represented.

23 SEC. 26. Section 12500.8 of the Business and Professions
24 Code is amended to read:

25 12500.8. The secretary may enter into an agreement with the
26 National Type Evaluation Program, a certification program of the
27 National ~~Conference~~ *Council* on Weights and Measures, and other
28 weights and measures jurisdictions, to accept the certifications of
29 each other for prototype examination purposes.

30 SEC. 27. Section 12609 of the Business and Professions Code
31 is amended to read:

32 12609. The secretary shall adopt necessary regulations to carry
33 out the purpose of this division and for the testing of packages to
34 verify the net quantity statements. In adopting these regulations,
35 the secretary shall adopt by reference the packaging and labeling
36 requirements recommended by the National ~~Conference~~ *Council*
37 on Weights and Measures and published in the current edition of
38 the National Institute of Standards and Technology Handbook 130,
39 Uniform Packaging and Labeling Regulations, except insofar as
40 those requirements are specifically modified, amended, or rejected

1 by regulation by the secretary. The regulations shall include
2 exemptions from full compliance with this chapter for good and
3 sufficient reasons. Any exemptions affecting consumer
4 commodities shall be in conformance with exemptions permitted
5 by federal regulations. Any regulation, or amendment thereof,
6 shall be adopted by the secretary in conformity with Chapter 3.5
7 (commencing with Section 11340) of Part 1 of Division 3 of Title
8 2 of the Government Code.

9 SEC. 28. Section 13404.5 of the Business and Professions
10 Code is amended to read:

11 13404.5. The secretary shall establish the method of sale of
12 motor vehicle fuels and lubricants sold at retail to the public. In
13 doing so, the secretary shall adopt, by reference, the latest method
14 of sale for motor vehicle fuels and lubricants adopted by the
15 ~~National Conference~~ *Council* on Weights and Measures and
16 published in the National Institute of Standards and Technology
17 Handbook 130 “Uniform Laws and Regulations in the Areas of
18 Legal Metrology and Engine Fuel Quality,” except as specifically
19 provided by the Legislature or modified, amended, or rejected by
20 regulations adopted by the secretary. In the absence of national
21 standards, the secretary may adopt interim standards of method of
22 sale until the time when the standards are adopted by the National
23 ~~Conference~~ *Council* on Weights and Measures and published ~~in~~
24 *by* the National Institute of Standards and Technology.

25 SEC. 29. Section 13711 of the Business and Professions Code
26 is amended to read:

27 13711. (a) An engine coolant or antifreeze is mislabeled if
28 any of the following occurs:

29 (1) The container does not bear a label on which is printed the
30 brand name, principal ingredient, intended application of the
31 coolant or antifreeze, name and place of business of the
32 manufacturer, packer, seller, or distributor, and an accurate
33 statement of the quantity of the contents in terms of liquid measure.

34 (2) The container does not bear a chart on the label showing
35 appropriate amounts of engine coolant or antifreeze and water in
36 terms of liquid measure to be used to provide protection from
37 freezing at temperatures to at least 30 degrees below zero
38 Fahrenheit.

1 (3) The container does not bear a statement on the label showing
2 the boiling point of a 50 percent by volume mixture of engine
3 coolant or antifreeze and water in degrees Fahrenheit.

4 (4) The container is one quart or less and does not bear a label
5 on which is printed the words “engine coolant” or “antifreeze” in
6 letters at least $\frac{1}{8}$ inch high on the principal display panel. The
7 container is greater than one quart and does not bear a label on
8 which is printed the words “engine coolant” or “antifreeze” in
9 letters at least $\frac{1}{4}$ inch high on the principal display panel.

10 (5) The principal ingredient is propylene glycol or glycerin and
11 the container does not bear a statement on the label not to use an
12 ethylene glycol hydrometer concentration tester for propylene
13 glycol or glycerin coolants.

14 (6) The container and carton do not bear a lot or batch number
15 on the label identifying the container lot and date of packaging.

16 (b) A prediluted engine coolant or prediluted antifreeze is
17 mislabeled if any of the following occurs:

18 (1) The container does not bear a label on which is printed the
19 brand name, principal ingredient, intended application of the
20 coolant or antifreeze, name and place of business of the
21 manufacturer, packer, seller, or distributor, and an accurate
22 statement of the quantity of the contents in terms of liquid measure.

23 (2) The container does not bear a statement on the label showing
24 the protection from freezing in degrees Fahrenheit.

25 (3) The container does not bear a statement on the label showing
26 the boiling point in degrees Fahrenheit.

27 (4) The container is one quart or less and does not bear a label
28 on which is printed the words “prediluted engine coolant” or
29 “prediluted antifreeze” in letters at least $\frac{1}{8}$ inch high on the
30 principal display panel. The container is greater than one quart
31 and does not bear a label on which is printed the words “prediluted
32 engine coolant” or “prediluted antifreeze” in letters at least $\frac{1}{4}$ inch
33 high on the principal display panel.

34 (5) The container is one quart or less and does not bear a label
35 on which is printed the words “DO NOT ADD WATER” in letters
36 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
37 does not bear a label on which is printed the words “DO NOT
38 ADD WATER” in letters at least $\frac{1}{4}$ inch high.

39 (6) The principal ingredient is propylene glycol or glycerin and
40 the container does not bear a statement on the label not to use an

1 ethylene glycol hydrometer concentration tester for propylene
2 glycol or glycerin coolants.

3 (7) The container and carton do not bear a lot or batch number
4 on the label identifying the container lot and date of packaging.

5 (c) “Transmission fluid” is mislabeled if any of the following
6 occurs:

7 (1) The container does not bear a label on which is printed the
8 brand name, the name and place of business of the manufacturer,
9 packer, seller, or distributor, the words “Transmission Fluid,” and
10 the duty type classification.

11 (2) The container does not bear a label on which is printed an
12 accurate statement of the quantity of the contents in terms of liquid
13 measure.

14 (3) The labeling on the container is false or misleading.

15 (4) The container and carton do not bear information that
16 identifies the container lot or batch.

17 (d) Brake fluid is mislabeled if any of the following occurs:

18 (1) The container does not bear a label that conforms to the
19 requirements of the National Highway Traffic Safety
20 Administration, United States Department of Transportation, and
21 upon which is printed the brand name.

22 (2) The container does not bear an accurate statement on the
23 label of the quantity of the contents in terms of liquid measure.

24 (3) The labeling on the container is false or misleading.

25 (e) The secretary shall establish the method of sale of diesel
26 exhaust fluid sold at retail to the public. In doing so, the secretary
27 shall adopt, by reference, the latest method of sale for diesel
28 exhaust fluid adopted by the ~~National Conference~~ *Council* on
29 Weights and Measures and published in the National Institute of
30 Standards and Technology Handbook 130 “Uniform Laws and
31 Regulations in the Areas of Legal Metrology and Engine Fuel
32 Quality,” except as specifically modified, amended, or rejected by
33 regulation adopted by the secretary.

34 (f) If a container or lot of containers of any commodity subject
35 to this chapter is found to contain a commodity not in conformity
36 with this chapter, the sealer may take one or more samples
37 reasonably necessary for enforcement purposes and may, in writing,
38 order the containers off sale. Any lot or container ordered off sale
39 pursuant to this section shall be subject to a disposal order by the
40 enforcing officer and shall not be sold, offered for sale, or

1 transported, except in accordance with that disposal order. Any
2 action pursuant to this section shall not affect any rights of a retailer
3 under a warranty of merchantability or warranty of fitness.

4 SEC. 30. Section 19094 of the Business and Professions Code
5 is amended to read:

6 19094. (a) For the purposes of this section, the following
7 definitions shall apply:

8 (1) “Component” means the separate constituent parts of
9 upholstered furniture sold in California, as identified in Technical
10 Bulletin 117-2013, specifically cover fabrics, barrier materials,
11 resilient filling materials, and decking materials.

12 (2) “Covered products” means any flexible polyurethane foam
13 or upholstered or reupholstered furniture sold in California that is
14 required to meet the test requirements set forth in Technical
15 Bulletin 117-2013, entitled “Requirements, Test Procedure and
16 Apparatus for Testing the Smolder Resistance of Materials Used
17 in Upholstered Furniture.”

18 (3) “Flame-retardant chemical” means any chemical or chemical
19 compound for which a functional use is to resist or inhibit the
20 spread of fire. Flame-retardant chemicals include, but are not
21 limited to, halogenated, phosphorous-based, nitrogen-based, and
22 nanoscale flame retardants, flame-retardant chemicals listed as
23 “designated chemicals” pursuant to Section 105440 of the Health
24 and Safety Code, and any chemical or chemical compound for
25 which “flame retardant” appears on the substance Safety Data
26 Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the
27 Code of Federal Regulations.

28 (4) “Chemical” means either of the following:

29 (A) An organic or inorganic substance of a particular molecular
30 identity, including any combination of those substances occurring,
31 in whole or in part, as a result of a chemical reaction or occurring
32 in nature, and any element, ion, or uncombined radical, and any
33 degradate, metabolite, or reaction product of a substance with a
34 particular molecular identity.

35 (B) A chemical ingredient, which means a substance comprising
36 one or more substances described in subparagraph (A).

37 (5) “Molecular identity” means the substance’s properties listed
38 below:

39 (A) Agglomeration state.

40 (B) Bulk density.

- 1 (C) Chemical composition, including surface coating.
2 (D) Crystal structure.
3 (E) ~~Dispersability~~. *Dispersibility*.
4 (F) Molecular structure.
5 (G) Particle density.
6 (H) Particle size, size distribution, and surface area.
7 (I) Physical form and shape, at room temperature and pressure.
8 (J) Physicochemical properties.
9 (K) Porosity.
10 (L) Solubility in water and biologically relevant fluids.
11 (M) Surface charge.
12 (N) Surface reactivity.
- 13 (6) “Added flame-retardant chemicals” means flame-retardant
14 chemicals that are present in any covered product or component
15 thereof at levels above 1,000 parts per million.
- 16 (7) “Department” means the Department of Toxic Substances
17 Control.
- 18 (8) “Consumer Price Index” means the Consumer Price Index
19 for All Urban Consumers published by the Bureau of Labor
20 Statistics.
- 21 (b) (1) A manufacturer of covered products shall indicate
22 whether or not the product contains added flame-retardant
23 chemicals by including the following “flame-retardant chemical
24 statement” on the label described in Section 1374.3 of Title 4 of
25 the California Code of Regulations for covered products:
26
- 27 “The upholstery materials in this product:
28 _____contain added flame-retardant chemicals
29 _____contain NO added flame-retardant chemicals
30 The State of California has updated the flammability standard
31 and determined that the fire safety requirements for this product
32 can be met without adding flame-retardant chemicals. The state
33 has identified many flame-retardant chemicals as being known to,
34 or strongly suspected of, adversely impacting human health or
35 development.”
36
- 37 A manufacturer of covered products shall indicate the absence
38 or presence of added flame-retardant chemicals by placing an “X”
39 in one of the appropriate blanks.

(2) This statement shall be included in the label described in Section 1374.3 of Title 4 of the California Code of Regulations in accordance with the bureau's regulations for that label. The statement need not be in all capital letters, and shall follow the statement required by Section 1374.3 of Title 4 of the California Code of Regulations.

(c) (1) The bureau shall ensure compliance with the labeling requirements in this section.

(2) (A) The bureau shall provide the Department of Toxic Substances Control with a selection of samples from covered products marked "contain NO added flame-retardant chemicals" for testing for the presence of added flame-retardant chemicals. The samples shall be from the components identified in paragraph (1) of subdivision (a). The bureau shall select samples based on consultation with the department, taking into account a range of manufacturers and types of covered products. The bureau and the department shall consult on the tests to be conducted by the department. The department shall provide the results of any completed test to the bureau. The bureau shall reimburse the department for the cost of testing for the presence of added flame-retardant chemicals in covered products marked "contain NO added flame-retardant chemicals".

(B) No later than August 1 of each fiscal year, the bureau shall assess available resources and determine the number of tests to be conducted in the corresponding fiscal year, pursuant to this subparagraph.

(3) (A) If the department's testing shows that a covered product labeled as "contain NO added flame-retardant chemicals" is mislabeled because it contains added flame-retardant chemicals, the bureau may assess fines for violations against manufacturers of the covered product and component manufacturers to be held jointly and severally liable for the violation.

(B) A fine for a violation of this subparagraph relating to mislabeling shall be assessed in accordance with the factors described in subdivision (d) and the following schedule:

(i) The fine for the first violation shall be not less than one thousand dollars (\$1,000) but not more than two thousand five hundred dollars (\$2,500).

1 (ii) The fine for the second violation shall be not less than two
2 thousand five hundred dollars (\$2,500) but not more than five
3 thousand dollars (\$5,000).

4 (iii) The fine for the third violation shall be not less than five
5 thousand dollars (\$5,000) but not more than seven thousand five
6 hundred dollars (\$7,500).

7 (iv) The fine for any subsequent violation shall be not less than
8 seven thousand five hundred dollars (\$7,500) but not more than
9 ten thousand dollars (\$10,000).

10 (C) The fines in paragraph (B) shall replace any other fines in
11 this article for a violation of the testing requirements of this section.
12 This clause does not alter or amend any other penalty otherwise
13 imposed by this article.

14 (D) If the department's testing shows that a covered product
15 labeled as "contain NO added flame-retardant chemicals" is
16 mislabeled because it contains added flame-retardant chemicals,
17 in addition to a fine or any other request, the bureau may request
18 that the label required by subdivision (b) for covered products that
19 belong to the same stock keeping unit (SKU) currently produced
20 by the manufacturer be corrected to reflect ~~that flame-retardant~~ *that*
21 *flame-retardant* chemicals are added to the covered product.

22 (E) If the department's testing shows that a covered product
23 labeled as "contain NO added flame-retardant chemicals" is
24 mislabeled because it contains added flame-retardant chemicals,
25 in addition to a fine or any other request, the bureau may request
26 additional testing of more products belonging to the same stock
27 keeping unit (SKU) at the manufacturer's expense to verify the
28 accuracy of the label required by subdivision (b) for covered
29 products if the manufacturer wishes to retain the "contain NO
30 added flame-retardant chemicals" designation on the label required
31 by subdivision (b).

32 (d) (1) The bureau shall make information about any citation
33 issued pursuant to this section available to the public on its internet
34 website.

35 (2) In determining the amount of the fine for violations of this
36 section, the bureau shall consider the following factors:

37 (A) The nature and severity of the violation.

38 (B) The good or bad faith of the cited person.

39 (C) The history of previous violations.

40 (D) Evidence that the violation was willful.

1 (E) The extent to which the cited person or entity has cooperated
2 with the bureau.

3 (3) (A) The bureau shall adjust all minimum and maximum
4 fines imposed by this section for inflation every five years.

5 (B) The adjustment shall be equivalent to the percentage, if any,
6 that the Consumer Price Index at the time of adjustment exceeds
7 the Consumer Price Index at the time this section goes into effect.
8 Any increase determined under this paragraph shall be rounded as
9 follows:

10 (i) In multiples of ten dollars (\$10) in the case of penalties less
11 than or equal to one hundred dollars (\$100).

12 (ii) In multiples of one hundred dollars (\$100) in the case of
13 penalties greater than one hundred dollars (\$100) but less than or
14 equal to one thousand dollars (\$1,000).

15 (iii) In multiples of one thousand dollars (\$1,000) in the case
16 of penalties greater than one thousand dollars (\$1,000).

17 (4) It shall be the duty of the bureau to receive complaints from
18 consumers concerning covered products sold in California.

19 (e) The bureau may adopt regulations pursuant to the
20 Administrative Procedure Act (Chapter 3.5 (commencing with
21 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
22 Code) to carry out this section.

23 SEC. 31. Section 44831 of the Education Code is amended to
24 read:

25 44831. The governing board of a school district shall employ
26 persons in public school service requiring certification
27 qualifications as provided in this code, except that the governing
28 board or a county office of education may contract with or employ
29 an individual who holds a license issued by the Speech-Language
30 Pathology and Audiology *and Hearing Aid Dispensers* Board and
31 has earned a ~~masters~~ *master's* degree in communication disorders
32 to provide speech and language services if that individual meets
33 the requirements of Section 44332.6 before employment or
34 execution of the contract.

35 SEC. 32. Section 94834 of the Education Code is amended to
36 read:

37 94834. "Distance education" means transmission of instruction
38 to students at a location separate from the ~~institution~~ *faculty*.

39 SEC. 33. Section 94866 of the Education Code is amended to
40 read:

1 94866. “Teach-out” means the arrangements an institution
2 makes for its students to complete their educational programs when
3 the institution *or an educational program* ceases to operate.

4 SEC. 34. Section 94880.1 of the Education Code is repealed.

5 ~~94880.1. (a) (1) The bureau shall establish a task force no~~
6 ~~later than March 1, 2015, to review standards for educational and~~
7 ~~training programs specializing in innovative subject matters and~~
8 ~~instructing students in high-demand technology fields for which~~
9 ~~there is a demonstrated shortage of skilled employees. The~~
10 ~~members of the task force may include postsecondary education~~
11 ~~experts, owners of institutions, consumer advocates focused on~~
12 ~~education, high technology employers, students of short-term~~
13 ~~focused high technology training programs, and providers of high~~
14 ~~technology training in subjects including, but not necessarily~~
15 ~~limited to, programming, software development, computer science,~~
16 ~~and coding.~~

17 ~~(2) At least two members of the task force shall be members of~~
18 ~~the advisory committee. One of these members shall serve as chair~~
19 ~~of the task force.~~

20 ~~(3) The task force shall transmit a report with its~~
21 ~~recommendations and findings to the advisory committee no later~~
22 ~~than January 1, 2016. The task force’s report shall include, but not~~
23 ~~necessarily be limited to, all of the following:~~

24 ~~(A) Whether students attending institutions should receive~~
25 ~~certain disclosures prior to enrolling in an educational program~~
26 ~~offered by those institutions.~~

27 ~~(B) Whether the means of reporting student outcomes and the~~
28 ~~content of those reports are appropriate.~~

29 ~~(C) The steps the state may take to promote the growth of~~
30 ~~high-quality training programs in skills for high technology~~
31 ~~occupations.~~

32 ~~(b) The advisory committee shall review and approve, modify,~~
33 ~~or reject the report prepared pursuant to paragraph (3) of~~
34 ~~subdivision (a). The bureau shall provide the approved report to~~
35 ~~the Legislature no later than July 1, 2016.~~

36 ~~(e) The requirement for submitting a report imposed under this~~
37 ~~subdivision is inoperative on January 1, 2017, pursuant to Section~~
38 ~~10231.5 of the Government Code.~~

1 ~~(d) The report to be submitted to the Legislature pursuant to~~
2 ~~subdivision (c) shall be submitted in compliance with Section 9795~~
3 ~~of the Government Code.~~

4 SEC. 35. Section 94897 of the Education Code is amended to
5 read:

6 94897. An institution shall not do any of the following:

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

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

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

14 (d) Advertise, or indicate in promotional material, without
15 including the fact that the educational programs are delivered by
16 means of distance education if the educational programs are so
17 delivered.

18 (e) Advertise, or indicate in promotional material, that the
19 institution is accredited, unless the institution has been accredited
20 by an accrediting agency.

21 (f) Solicit students for enrollment by causing an advertisement
22 to be published in “help wanted” columns in a magazine,
23 newspaper, or publication, or use “blind” advertising that fails to
24 identify the institution.

25 (g) Offer to compensate a student to act as an agent of the
26 institution with regard to the solicitation, referral, or recruitment
27 of any person for enrollment in the institution, except that an
28 institution may award a token gift to a student for referring an
29 individual, provided that the gift is not in the form of money, no
30 more than one gift is provided annually to a student, and the gift’s
31 cost is not more than one hundred dollars (\$100).

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

34 (i) Use a name in any manner improperly implying any of the
35 following:

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

39 (2) The institution is a public institution.

1 (3) The institution grants degrees, if the institution does not
2 grant degrees.

3 (j) In any manner make an untrue or misleading change in, or
4 untrue or misleading statement related to: a test score, grade or
5 record of grades, attendance record, record indicating student
6 completion, placement, employment, salaries, or financial
7 information; a financial report filed with the bureau; information
8 or records relating to the student's eligibility for student financial
9 aid at the institution; or any other record or document required by
10 this chapter or by the bureau.

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

14 (l) Use the terms "approval," "approved," "approval to operate,"
15 or "approved to operate" without stating clearly and conspicuously
16 that approval to operate means compliance with state standards as
17 set forth in this chapter. An institution may not state or imply either
18 of the following:

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

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

23 (m) Direct any individual to ~~perform~~ *do any of the following:*

24 (1) *Perform* an act that violates this chapter, ~~to refrain~~ *chapter.*

25 (2) *Refrain* from reporting unlawful conduct to the bureau or
26 another government agency, ~~or to engage~~ *agency.*

27 (3) *Engage* in any unfair act to persuade a student not to
28 complain to the bureau or another government agency.

29 (n) Compensate an employee involved in recruitment,
30 enrollment, admissions, student attendance, or sales of educational
31 materials to students on the basis of a commission, commission
32 draw, bonus, quota, or other similar method related to the
33 recruitment, enrollment, admissions, student attendance, or sales
34 of educational materials to students, except as provided in
35 paragraph (1) or (2):

36 (1) If the educational program is scheduled to be completed in
37 90 days or less, the institution shall pay compensation related to
38 a particular student only if that student completes the educational
39 program.

1 (2) For institutions participating in the federal student financial
2 aid programs, this subdivision shall not prevent the payment of
3 compensation to those involved in recruitment, admissions, or the
4 award of financial aid if those payments are in conformity with
5 federal regulations governing an institution's participation in the
6 federal student financial aid programs.

7 (o) Require a prospective student to provide personal contact
8 information in order to obtain, from the institution's internet
9 website, educational program information that is required to be
10 contained in the school catalog or any information required
11 pursuant to the consumer information requirements of Title IV of
12 the federal Higher Education Act of 1965, and any amendments
13 thereto.

14 (p) Offer an associate, baccalaureate, master's, or doctoral
15 degree without disclosing to prospective students before enrollment
16 whether the institution or the degree program is unaccredited and
17 any known limitation of the degree, including, but not limited to,
18 all of the following:

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

22 (2) A statement that reads: "A degree program that is
23 unaccredited or a degree from an unaccredited institution is not
24 recognized for some employment positions, including, but not
25 limited to, positions with the State of California."

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

28 (q) In any manner commit fraud against, or make a material
29 untrue or misleading statement to, a student or prospective student
30 under the institution's authority or the pretense or appearance of
31 the institution's authority.

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

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

35 (t) Require a prospective, current, or former student or employee
36 to sign a nondisclosure agreement pertaining to their relationship
37 to, or experience with, the institution, except that an institution
38 may use a nondisclosure agreement to protect the institution's
39 intellectual property and trade secrets. Any nondisclosure

1 agreement in violation of this section is void and not enforceable
2 at law or in equity.

3 (u) Fail to maintain policies related to compliance with this
4 chapter or adhere to the institution's stated policies.

5 SEC. 36. Section 94900 of the Education Code is amended to
6 read:

7 94900. (a) An institution shall maintain records of the name,
8 address, e-mail address, and telephone number of each student
9 who is enrolled in an educational program in that institution.

10 (b) An institution shall maintain, for each student granted a
11 degree or certificate by that institution, *complete and accurate*
12 permanent records of all of the following:

13 (1) The degree or certificate granted and the date on which that
14 degree or certificate was granted.

15 (2) The courses and units on which the certificate or degree was
16 based.

17 (3) The grades earned by the student in each of those courses.

18 SEC. 37. Section 94902 of the Education Code is amended to
19 read:

20 94902. (a) A student shall enroll solely by means of executing
21 an enrollment agreement. The enrollment agreement shall be signed
22 by the student and by an authorized employee of the institution.

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

25 (1) The student has received the institution's *current* catalog
26 and School Performance Fact Sheet prior to signing the enrollment
27 agreement.

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

30 (3) Prior to the execution of the enrollment agreement, the
31 student and the institution have signed and dated the information
32 required to be disclosed in the School Performance Fact Sheet
33 pursuant to subdivisions (a) to (d), inclusive, of Section 94910.
34 Each of these items in the School Performance Fact Sheet shall
35 include a line for the student to initial and shall be initialed and
36 dated by the student.

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

1 SEC. 38. Section 94909 of the Education Code is amended to
2 read:

3 94909. (a) Except as provided in subdivision (d), before
4 enrollment, an institution shall provide a prospective student, either
5 in writing or electronically, with a *current* school catalog
6 containing, at a minimum, all of the following:

7 (1) The name, address, telephone number, and, if applicable,
8 internet website address of the institution.

9 (2) Except as specified in Article 2 (commencing with Section
10 94802), a statement that the institution is a private institution and
11 that it is approved to operate by the bureau.

12 (3) The following statements:

13 (A) "Any questions a student may have regarding this catalog
14 that have not been satisfactorily answered by the institution may
15 be directed to the Bureau for Private Postsecondary Education at
16 (address), Sacramento, CA (ZIP Code), (internet website address),
17 (telephone and fax numbers)."

18 (B) "As a prospective student, you are encouraged to review
19 this catalog before signing an enrollment agreement. You are also
20 encouraged to review the School Performance Fact Sheet, which
21 must be provided to you before signing an enrollment agreement."

22 (C) "A student or any member of the public may file a complaint
23 about this institution with the Bureau for Private Postsecondary
24 Education by calling (toll-free telephone number) or by completing
25 a complaint form, which can be obtained on the bureau's internet
26 website (internet website address)."

27 (D) "The Office of Student Assistance and Relief is available
28 to support prospective students, current students, or past students
29 of private postsecondary educational institutions in making
30 informed decisions, understanding their rights, and navigating
31 available services and relief options. The office may be reached
32 by calling (toll-free telephone number) or by visiting (internet
33 website address)."

34 (4) The address or addresses where class sessions will be held.

35 (5) A description of the programs offered and a description of
36 the instruction provided in each of the courses offered by the
37 institution, the requirements for completion of each program,
38 including required courses, any final tests or examinations, any
39 required internships or externships, and the total number of credit
40 hours, clock hours, or other increments required for completion.

1 (6) If the educational program is designed to lead to positions
2 in a profession, occupation, trade, or career field requiring licensure
3 in this state, a notice to that effect and a list of the requirements
4 for eligibility for licensure.

5 (7) Information regarding the faculty and their qualifications.

6 (8) A detailed description of institutional policies in the
7 following areas:

8 (A) Admissions policies, including the institution's policies
9 regarding the acceptance of credits earned at other institutions or
10 through challenge examinations and achievement tests, and a list
11 describing any transfer or articulation agreements between the
12 institution and any other college or university that provides for the
13 transfer of credits earned in the program of instruction. If the
14 institution has not entered into an articulation or transfer agreement
15 with any other college or university, the institution shall disclose
16 that fact.

17 (B) Cancellation, withdrawal, and refund policies, including an
18 explanation that the student has the right to cancel the enrollment
19 agreement and obtain a refund of charges paid through attendance
20 at the first class session, or the seventh day after enrollment,
21 whichever is later. The text shall also include a description of the
22 procedures that a student is required to follow to cancel the
23 enrollment agreement or withdraw from the institution and obtain
24 a refund consistent with the requirements of Article 13
25 (commencing with Section 94919).

26 (C) Probation and dismissal policies.

27 (D) Attendance policies.

28 (E) Leave-of-absence policies.

29 (9) The schedule of total charges for a period of attendance and
30 an estimated schedule of total charges for the entire educational
31 program.

32 (10) A statement reporting whether the institution participates
33 in federal and state financial aid programs, and if so, all consumer
34 information that is required to be disclosed to the student pursuant
35 to the applicable federal and state financial aid programs.

36 (11) A statement specifying that, if a student obtains a loan to
37 pay for an educational program, the student will have the
38 responsibility to repay the full amount of the loan plus interest,
39 less the amount of any refund, and that, if the student has received
40 federal student financial aid funds, the student is entitled to a refund

1 of the moneys not paid from federal student financial aid program
2 funds.

3 (12) A statement specifying whether the institution has a pending
4 petition in bankruptcy, is operating as a debtor in possession, has
5 filed a petition within the preceding five years, or has had a petition
6 in bankruptcy filed against it within the preceding five years that
7 resulted in reorganization under Chapter 11 of the United States
8 Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

9 (13) If the institution provides placement services, a description
10 of the nature and extent of the placement services.

11 (14) A description of the student's rights and responsibilities
12 with respect to the Student Tuition Recovery Fund. This statement
13 shall specify that it is a state requirement that a student who pays
14 the student's tuition is required to pay a state-imposed assessment
15 for the Student Tuition Recovery Fund. This statement shall also
16 describe the purpose and operation of the Student Tuition Recovery
17 Fund and the requirements for filing a claim against the Student
18 Tuition Recovery Fund.

19 (15) The following statement:

20
21 "NOTICE CONCERNING TRANSFERABILITY OF
22 CREDITS AND CREDENTIALS EARNED AT OUR
23 INSTITUTION

24 The transferability of credits you earn at (name of institution)
25 is at the complete discretion of an institution to which you
26 may seek to transfer. Acceptance of the (degree, diploma, or
27 certificate) you earn in (name of educational program) is also
28 at the complete discretion of the institution to which you may
29 seek to transfer. If the (credits or degree, diploma, or
30 certificate) that you earn at this institution are not accepted at
31 the institution to which you seek to transfer, you may be
32 required to repeat some or all of your coursework at that
33 institution. For this reason you should make certain that your
34 attendance at this institution will meet your educational goals.
35 This may include contacting an institution to which you may
36 seek to transfer after attending (name of institution) to
37 determine if your (credits or degree, diploma, or certificate)
38 will transfer."
39

(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate, master's, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:

(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states or become certified or registered as required for the applicable profession, occupation, trade, or career field in California.

(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.

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

(b) If the institution has a general student brochure, the institution shall provide that brochure to the prospective student before enrollment. In addition, if the institution has a program-specific student brochure for the program in which the prospective student seeks to enroll, the institution shall provide the program-specific student brochure to the prospective student before enrollment.

(c) An institution shall provide the school catalog to any person upon request. In addition, if the institution has student brochures, the institution shall disclose the requested brochures to any interested person upon request.

(d) An accredited institution is not required to provide a School Performance Fact Sheet to a prospective student who is not a California resident, not residing in California at the time of the student's enrollment, and enrolling in an accredited distance learning degree program offered by the institution, if the institution complies with all federal laws, the applicable laws of the state where the student is located, and other appropriate laws, including, but not limited to, consumer protection and student disclosure requirements.

1 SEC. 39. 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 *current* School Performance
6 Fact Sheet containing, at a minimum, the following information,
7 as it 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 they may obtain a description of
34 the manner in which the figures described in subdivisions (a) to
35 (d), inclusive, are calculated.

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

(3) A statement informing the reader of where they may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).

(g) The following statements:

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

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

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

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

SEC. 40. Section 94929.9 of the Education Code is repealed.

~~94929.9. (a) The bureau shall consider the graduate salary and other outcome data and reporting requirements that are utilized by the United States Department of Education, the Student Aid Commission, accrediting agencies, and student advocate associations. The bureau shall consider the reporting requirements of public postsecondary institutions in California to evaluate the feasibility of adopting these reporting requirements for private postsecondary institutions. The bureau shall make recommendations to the Legislature, on or before December 31, 2016, on how reporting requirements under this chapter should be~~

1 altered to ensure accurate, useful, and consistent reporting by
2 private postsecondary institutions to the bureau and students.

3 (b) The bureau is authorized to enter into a personal services
4 contract with an appropriate independent contractor to assist in
5 the evaluation required by subdivision (a). In this connection, the
6 Legislature finds, pursuant to Section 19130 of the Government
7 Code, that this is a new state function.

8 (c) (1) A report to be submitted to the Legislature pursuant to
9 subdivision (a) shall be submitted in compliance with Section 9795
10 of the Government Code.

11 (2) Pursuant to Section 10231.5 of the Government Code, this
12 section is repealed January 1, 2017.

13 SEC. 41. Section 94949 of the Education Code is repealed.

14 94949. (a) The director shall provide to the Legislature a copy
15 of an independent review of the bureau's staffing resources needs
16 and requirements no later than March 15, 2015. The director shall
17 include with this report an overview of how the director intends
18 to ensure that the bureau's staff are sufficiently qualified for
19 purposes of implementing the provisions of this chapter, and the
20 estimated costs of meeting staffing and other requirements to
21 implement this chapter based on findings of the independent
22 review. The director shall include a brief evaluation of whether
23 the current fee structure is appropriate to satisfy those staffing and
24 other requirements.

25 (b) (1) A report to be submitted pursuant to subdivision (a)
26 shall be submitted in compliance with Section 9795 of the
27 Government Code.

28 (2) Pursuant to Section 10231.5 of the Government Code, this
29 section is repealed on January 1, 2017.

30 SEC. 42. Section 14132.55 of the Welfare and Institutions
31 Code is amended to read:

32 14132.55. For the purposes of reimbursement under the
33 Medi-Cal program, a speech pathologist or audiologist shall be
34 licensed by the Speech-Language Pathology and Audiology
35 Examining Committee of the Medical Board of California and
36 *Hearing Aid Dispensers Board* or similarly licensed by a
37 comparable agency in the state in which he or she practices; *they*
38 *practice*. Licensed speech-language pathologists or licensed
39 audiologists are authorized to utilize and shall be reimbursed for
40 the services of those personnel in the process of completing

- 1 requirements under the provisions of subdivision (c) of Section
- 2 2532.2 of the Business and Professions Code.

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