

## AGENDA ITEM 18

### UPDATE ON LEGISLATION:

- a) **ASSEMBLY BILL (AB) AB 703 (FLORA), PROFESSIONS AND VOCATIONS: LICENSES: FEE WAIVERS.**
- b) **AB 710 (WOOD) DEPARTMENT OF CONSUMER AFFAIRS: BOARDS: MEETINGS.**
- c) **AB 1005 (CALDERON), PROFESSIONS AND VOCATIONS: FINES: RELIEF.**
- d) **AB 1087 (IRWIN), TEACHER CREDENTIALING: SERVICES CREDENTIAL WITH A SPECIALIZATION IN OCCUPATIONAL THERAPY AND PHYSICAL THERAPY SERVICES.**
- e) **AB 1510 (DABABNEH), ATHLETIC TRAINERS.**
- f) **AB 1706 (COMMITTEE ON BUSINESS AND PROFESSIONS), HEALING ARTS.**
- g) **SENATE BILL (SB) 762 (HERNANDEZ), HEALING ARTS LICENSEE: LICENSE ACTIVATION FEE: WAIVER.**

The bills are attached for review.

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
**August 2017 Legislative Update**

<b>Bill #</b>	<b>Author</b>	<b>Summary</b>	<b>Status</b>
AB 703	Flora	This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.	This bill failed the committee deadline and is a two-year bill.
AB 710	Wood	This bill would require a board to meet once every other calendar year in rural California.	This bill failed the committee deadline and is a two-year bill.
AB 1005	Calderon	<p>Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.</p> <p>This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.</p>	This bill failed the committee deadline and is a two-year bill.
AB 1087	Irwin	Existing law requires the Commission on Teacher Credentialing to set the minimum requirements for a services credential with a specialization in health and excludes services as an occupational therapist or physical therapist from the health services the holder of a services credential with a specialization in health is authorized to perform. This bill would require the commission to develop a services credential with a specialization in occupational therapy and physical therapy services and sets forth the	This bill failed the committee deadline and is a two-year bill.

		<p>minimum requirements for the credential, as provided. The bill would specify that nothing in its provisions shall be construed to require a person to hold a credential to perform occupational therapy or physical therapy services in the public schools.</p> <p>This bill would also provide that possession of the services credential with a specialization in occupational therapy and physical therapy services satisfies that requirement.</p>	
AB 1510	Dababneh	<p>This bill would enact the Athletic Training Practice Act, which would, after a determination is made that sufficient funds have been received to pay initial costs of this bill, provide for the licensure and regulation of athletic trainers, as defined and establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to implement these provisions. This bill would repeal these provisions on January 1, 2025.</p>	<p>This bill failed the committee deadline and is a two-year bill.</p>
AB 1706	Business & Professions Committee	<p>Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy, which is within the Department of Consumer Affairs, and repeals the provisions establishing the board on January 1, 2018.</p> <p>This bill would extend the operation of the board until January 1, 2022.</p> <p>This bill would authorize a licensee under the act who has earned a doctoral degree in occupational therapy (OTD) or, after adoption by the board of specified regulations, a doctoral degree in a related area of practice or study to use specified abbreviations and titles in communications, as specified.</p>	<p>Location: Senate Committee on Appropriations Hearing Date: August 21, 2017.</p>
SB 762	Hernandez	<p>Existing law requires a healing arts board, as defined, to issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by the board. Existing law requires the holder of an inactive license or certificate to, among other things, pay the renewal fee in order to restore his or her license or certificate to an active status.</p> <p>This bill would require the renewal fee to be waived for any healing arts licensee who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.</p>	<p>This is a two-year bill.</p>

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Date Published: 02/15/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

**ASSEMBLY BILL****No. 703****Introduced by Assembly Member Flora****February 15, 2017**

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

**LEGISLATIVE COUNSEL'S DIGEST**

AB 703, as introduced, Flora. Professions and vocations: licenses: fee waivers.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board within the department to expedite the licensure process for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state if the applicant holds a current license in the same profession or vocation in another state, district, or territory. Existing law also requires a board to issue temporary licenses in specified professions to applicants as described above if certain requirements are met.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 115.7 is added to the Business and Professions Code, to read:

**115.7.** (a) Notwithstanding any other law, every board within the department of Consumer Affairs shall grant a fee waiver for the application for and issuance of an initial license to an applicant who does both of the following:

(1) Supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States.

(2) Holds a current, active, and unrestricted license that confers upon him or her the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which he or she seeks a license from the board.

(b) If a board charges a fee for the application for a license and another fee for the issuance of a license, the applicant shall be granted fee waivers for both the application for and issuance of a license.

(c) A fee waiver shall not be issued for any of the following:

(1) Renewal of an existing California license.

(2) The application for and issuance of an additional license, a certificate, a registration, or a permit associated with the initial license.

(3) The application for an examination.


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**AB-710 Department of Consumer Affairs: boards: meetings.** (2017-2018)

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AMENDED IN ASSEMBLY APRIL 27, 2017

AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

**ASSEMBLY BILL**

**No. 710**

**Introduced by Assembly Member Wood**

**February 15, 2017**

An act to amend Section 101.7 of the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 710, as amended, Wood. Department of Consumer Affairs: boards: meetings.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year, and at least once in northern California and once in southern California per calendar year.

This bill would require a board to meet once every other calendar year in rural-~~northern~~ California.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 101.7 of the Business and Professions Code is amended to read:

**101.7.** (a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern California, once every other calendar year in rural ~~northern~~ California, and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.



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### AB-1005 Professions and vocations: fines: relief. (2017-2018)

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AMENDED IN ASSEMBLY MAY 02, 2017

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

## ASSEMBLY BILL

## No. 1005

Introduced by Assembly Member Calderon

February 16, 2017

~~An act to amend Section 12.5 of the Business and Professions Code, relating to professions and vocations.~~ *An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Calderon. Professions and vocations: fines: relief.

Under existing law, the Department of Consumer Affairs is under the control of the Director of Consumer Affairs and is comprised of various ~~boards, bureaus, commissions, committees, and similarly constituted agencies~~ *boards* that license and regulate the practice of various professions and vocations. A violation of a regulatory act by a licensee can subject a licensee to discipline, including administrative penalties or citations, suspension, or revocation of the license. Existing law specifies that whenever any provision of law governing businesses and professions grants authority to issue a citation for a violation of a code provision, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to code.

~~This bill would authorize boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate professions and vocations, when granted the authority to issue a citation, to instead issue a fix-it ticket in lieu of a fine. The bill would specify that any person who is issued a fix-it ticket in lieu of a citation would have 30 days in which to correct the violation before being issued the fine.~~

*Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.*



*This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.*

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** *Section 125.9 of the Business and Professions Code is amended to read:*

**125.9.** (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) ~~Whenever~~ *Except as provided in paragraph (3), whenever* appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) *Notwithstanding paragraph (2), except with respect to healing arts licensees licensed pursuant to Division 2 (commencing with Section 500, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, a citation containing an order to pay an administrative fine shall contain the following:*

(A) *An order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective.*

(B) *If the licensee successfully abates the violation within the 30-day period, the licensee shall not be responsible for payment of the administrative fine.*

(C) *If the licensee fails to abate the violation within the 30-day period, the licensee shall pay the administrative fine.*

~~(3)~~

(4) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

~~(4)~~

(5) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or ~~assessment~~, *assessment or the date the administrative fine becomes effective pursuant to paragraph (3)*. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

~~(5)~~

(6) Failure of a licensee to pay a fine within 30 days of the date of ~~assessment~~, *assessment or the date the administrative fine becomes effective pursuant to paragraph (3)* unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

~~SECTION 1. Section 12.5 of the Business and Professions Code is amended to read:~~

~~12.5.(a) Whenever any provision of this code grants authority to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code.~~

~~(b) The authority to issue a citation for a violation of any provision of this code also includes the authority to issue a fix-it ticket, in lieu of a fine. Any person who is issued a fix-it ticket in lieu of a citation and fine shall have 30 days in which to correct the violation before being issued the fine.~~



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### AB-1087 Teacher credentialing: services credential with a specialization in occupational therapy and physical therapy services. (2017-2018)

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AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**ASSEMBLY BILL****No. 1087****Introduced by Assembly Member Irwin****February 16, 2017**

An act to amend Sections 48301, 48306, 48307, and 48315 of, and to amend, repeal, and add Section 48311 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately, Section 44270 of, and to add Section 44268.2 to, the Education Code, relating to teacher credentialing.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1087, as amended, Irwin. ~~School attendance; interdistrict transfers.~~ *Teacher credentialing: services credential with a specialization in occupational therapy and physical therapy services.*

(1) Existing law requires the Commission on Teacher Credentialing to, among other things, establish professional standards, assessments, and examinations for entry and advancement in the education profession and to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law sets forth the minimum requirements for a services credential with a specialization in health and excludes services as an occupational therapist or physical therapist from the health services the holder of a services credential with a specialization in health is authorized to perform.

This bill would require the commission to develop a services credential with a specialization in occupational therapy and physical therapy services and sets forth the minimum requirements for the credential, as provided. The bill would specify that nothing in its provisions shall be construed to require a person to hold a credential to perform occupational therapy or physical therapy services in the public schools.

(2) Existing law specifies the minimum requirements for the preliminary services credential with a specialization in administrative services, which include, among other requirements, possession of one of various types of credentials.

This bill would provide that possession of the services credential with a specialization in occupational therapy and physical therapy services satisfies that requirement.

~~(1) Existing law authorizes the governing board of any school district to accept pupils for admission through interdistrict transfers in accordance with specified requirements. Existing law requires communications to parents or guardians by school districts electing to enroll pupils under the school district of choice options to comply with specified requirements.~~

~~This bill would require those communications to be designed to maximize participation by pupils who are classified as English learners, eligible for free or reduced-price meals, or foster youth, and would require communications to be translated in non-English languages in certain school districts where a specified percentage of pupils speak a single primary language other than English.~~

~~(2) Existing law requires a school district of choice to ensure the auditor who conducts the school district's annual financial audit, as specified, reviews compliance with provisions requiring interdistrict transfer pupils to be selected through a random, unbiased process.~~

~~This bill would require the school district of choice to notify auditors of any assertions by 3rd parties of noncompliance with interdistrict transfer requirements, including allegations of nonrandom, biased admission practices.~~

~~(3) Existing law requires a school district of choice to give priority for attendance to siblings of children already in attendance in that school district.~~

~~This bill would require a school district of choice to give first priority for attendance to siblings of children already in attendance and to give second priority to pupils who are classified as English learners, eligible for free or reduced-price meals, or foster youth.~~

~~(4) Existing law authorizes a school district of residence with an average daily attendance greater than 50,000 to limit the number of pupils transferring out each year to 1% of its current year estimated average daily attendance, and authorizes a school district of residence with an average daily attendance of less than 50,000 to limit the number of pupils transferring out to 3% of its current year estimated average daily attendance.~~

~~This bill would instead authorize a school district of residence with an average daily attendance greater than 50,000 has received notification from a school district of choice that a number of pupils that the school district of residence calculates to be equal to 1% of its current year estimated average daily attendance have been accepted into that school district of choice for the following school year to restrict any additional pupils from transferring to the school district of choice upon adoption of a resolution at a public meeting of the governing board of the school district of residence. The bill would authorize a school district of residence with an average daily attendance of 50,000 or less to restrict additional pupils from transferring after receiving notification from a school district of choice that a number of pupils that the school district of residence calculates to be equal to 3% of its current year estimated average daily attendance have been accepted into that school district of choice for the following school year, and would authorize the school district of residence to limit the total number of pupils enrolled in all school districts of choice at any given time to 10% of the school district of residence's average daily attendance.~~

~~(5) Existing law authorizes a school district of residence that has a negative status on the most recent budget certification completed by the county superintendent of schools in any fiscal year to limit the number of pupils who transfer out of the school district in that fiscal year.~~

~~This bill would also authorize a school district of residence that has a qualified status on the most recent budget certification to limit the number of pupils who transfer out of the school district.~~

~~(6) Existing law authorizes a school district of choice to provide transportation assistance to an interdistrict transfer pupil to the extent that the school district otherwise provides transportation assistance to pupils.~~

~~This bill would repeal those provisions on July 1, 2020, and as of that date would require a school district of choice, upon request of a pupil's parent or guardian, to provide free transportation assistance to a pupil who is eligible for free or reduced-price meals and has transferred to a school district of choice in accordance with specified requirements.~~

~~(7) Existing law makes the provisions authorizing interdistrict transfers inoperative on July 1, 2017, and repeals them on January 1, 2018.~~

~~This bill would instead make the provisions inoperative on July 1, 2022, and would repeal them on January 1, 2023.~~

~~(8) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~two-thirds~~majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** *Section 44268.2 is added to the Education Code, to read:*

**44268.2.** (a) *The commission shall develop a services credential with a specialization in occupational therapy and physical therapy services. The minimum requirements for the services credential with a specialization in occupational therapy and physical therapy services shall include all of the following:*

(1) *A baccalaureate degree or higher degree from an institution approved by the commission.*

(2) *A fifth year, or its equivalent, of college or university education.*

(3) *Such specialized and professional preparation as the commission may require.*

(b) *Nothing in this section shall be construed to require a person to hold a credential to perform occupational therapy or physical therapy services in the public schools.*

**SEC. 2.** *Section 44270 of the Education Code is amended to read:*

**44270.** (a) The minimum requirements for the preliminary services credential with a specialization in administrative services are all of the following:

(1) Possession of one of the following:

(A) A valid teaching credential requiring the possession of a baccalaureate degree and a professional preparation program including student teaching.

(B) A valid designated subjects career technical education, adult education, or special subjects teaching credential, as specified in Section 44260, 44260.1, 44260.2, 44260.3, or 44260.4, provided the candidate also possesses a baccalaureate degree.

(C) A valid services credential with a specialization in pupil personnel, health, ~~or~~ clinical or rehabilitative services, *or occupational therapy and physical therapy services*, as specified in Section 44266, 44267, 44267.5, ~~or~~ 44268, *or 44268.2*, or a valid services credential authorizing service as a teacher librarian, as specified in Section 44269.

(D) A valid credential issued under the laws, rules, and regulations in effect on or before December 31, 1971, which authorizes the same areas as in subparagraphs (B) and (C).

(2) Completion of a minimum of three years of successful, full-time classroom teaching experience in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status or three years of experience in the fields of pupil personnel, health, clinical or rehabilitative, or librarian services.

(3) Completion of an entry-level program of specialized and professional preparation in administrative services approved by the commission or a one-year internship in a program of supervised training in administrative services, approved by the commission as satisfying the requirements for the preliminary services credential with a specialization in administrative services.

(4) Current employment in an administrative position after completion of professional preparation as defined in paragraph (3), whether full or part time, in a public school or private school of equivalent status. The commission shall encourage school districts to consider the recency of preparation or professional growth in school administration as one of the criteria for employment.

(b) The preliminary administrative services credential shall be valid for a period of five years from the date of initial employment in an administrative position, whether full or part time, and shall not be renewable.

(c) A candidate who completed, by September 30, 1984, the requirements for the administrative services credential in effect on June 30, 1982, is eligible for the credential authorized under those requirements. All other candidates shall satisfy the requirements set forth in this section.

~~SECTION 1. It is the intent of the Legislature to do all of the following:~~

~~(a) To increase access for all pupils to the school district of choice program by requiring some transportation assistance to pupils eligible for free or reduced price meals, with the understanding that the cost of providing this assistance reduces resources available for other programs designed to benefit these same pupils. Consequently, this required transportation assistance shall be capped at a maximum school district expenditure per pupil.~~

~~(b) To cap required transportation assistance at a maximum school district expenditure per pupil.~~

~~SEC. 2. Section 48301 of the Education Code is amended to read:~~

~~48301. (a) The governing board of any school district may accept interdistrict transfers. A school district that receives an application for attendance under this article is not required to admit pupils to its schools. If, however, the governing board of a school district elects to accept transfers as authorized under this article, it may, by resolution, elect to accept transfer pupils, determine and adopt the number of transfers it is willing to accept under this article, and ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Any pupil accepted for transfer shall be deemed to have fulfilled the requirements of Section 48204. If the number of transfer applications exceeds the number of transfers the governing board of a school district elects to accept under this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district.~~

~~(b) Either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice pursuant to subdivision (c) of Section 48308, or the school district of choice may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the school district determines that the transfer would negatively impact any of the following:~~

~~(1) The court-ordered desegregation plan of the school district.~~

~~(2) The voluntary desegregation plan of the school district.~~

~~(3) The racial and ethnic balance of the school district.~~

~~(c) The school district of residence may not adopt policies that in any way block or discourage pupils from applying for transfer to another school district.~~

~~(d) Communications to parents or guardians by school districts electing to enroll pupils under the choice options provided by this article shall comply with both of the following:~~

~~(1) Be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic.~~

~~(2) Be designed to maximize participation by pupils who meet the criteria specified in subdivision (b) of Section 42238.02, including translating communications into non-English languages identified pursuant to Section 48995 within all adjacent school districts, including communications on a school district of choice's Internet Web site.~~

~~(e) A school district of choice, at its expense, shall ensure that the auditor who conducts the annual audit pursuant to Section 41020, at the same time that he or she is conducting that annual audit, reviews compliance with the provisions in this section regarding a random, unbiased selection process and appropriate communications. The compliance review specified in this subdivision is not subject to the requirements in subdivision (d) of Section 41020. The school district of choice shall notify the auditor regarding this compliance review specified in this subdivision before the commencement of the annual audit, and shall notify the auditors of any assertions by third parties of noncompliance with this article, including any allegations of nonrandom, biased admission practices. The governing board of the school district of choice shall include a summary of audit exceptions, if any, resulting from the compliance review conducted pursuant to this subdivision in the report it provides pursuant to subdivision (b) of Section 48313.~~

~~(f) A school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parent of the pupil applies approves the application for transfer.~~

~~SEC. 3. Section 48306 of the Education Code is amended to read:~~

~~48306.(a)A school district of choice shall give first priority for attendance to siblings of children already in attendance in that district.~~

~~(b)A school district of choice shall give second priority for attendance to pupils who meet the criteria specified in subdivision (b) of Section 42238.02.~~

~~(c)A school district of choice may give priority for attendance to children of military personnel.~~

~~SEC. 4. Section 48307 of the Education Code is amended to read:~~

~~48307.(a)Once a school district of residence with an average daily attendance greater than 50,000 has received notification from a school district of choice that a number of pupils that the school district of residence calculates to be equal to 1 percent of its current year estimated average daily attendance have been accepted into that school district of choice for the following school year, the governing board of the school district of residence may, by adopting a resolution at a public meeting, restrict any additional pupils from transferring to the school district of choice for the upcoming school year.~~

~~(b)Once a school district of residence with an average daily attendance of 50,000 or less has been notified from a school district of choice that a number of pupils that the school district of residence calculates to be equal to 3 percent of its current year estimated average daily attendance have been accepted into that school district of choice for the following school year, the governing board of the school district of residence may, by adopting a resolution in a public meeting, restrict any additional pupils from transferring to that school district of choice for the upcoming school year.~~

~~(c)A school district of residence with an average daily attendance of 50,000 or less may limit the total number of pupils enrolled in all school districts of choice at any given time to 10 percent of the school district of residence's average daily attendance at that point in time. A school district of residence shall authorize additional pupils to participate in the program authorized by this article as current program participants leave or graduate provided that the total number of pupils does not exceed the school district's 10 percent cap.~~

~~(d)A school district of residence that has a negative status or qualified status on the most recent budget certification completed by the county superintendent of schools in any fiscal year may limit the number of pupils who transfer out of the district in that fiscal year.~~

~~(e)Notwithstanding any prior or existing certification of a school district of residence pursuant to Article 3 (commencing with Section 42130) of Chapter 6 of Part 24, only if the county superintendent of schools determines that the school district of residence would not meet the standards and criteria for fiscal stability specified in Section 42131 for the subsequent fiscal year exclusively due to the impact of additional pupil transfers pursuant to this article in that year, the school district of residence may limit the number of additional pupils who transfer in the upcoming school year pursuant to this article up to the number that the county superintendent of schools identifies beyond which number of additional transfers would result in a qualified or negative certification in that year exclusively as a result of additional transfers pursuant to this article.~~

~~(f)If a school district of residence limits the number of pupils who transfer out of the district pursuant to subdivision (d) or (e), pupils who have already been enrolled or notified of eligibility for enrollment, including through the random, public selection process before the action by the school district of residence to limit transfers shall be permitted to attend the school district of choice.~~

~~(g)Notwithstanding any other provision of this article, a pupil attending a school district of choice or a pupil who received a notice of eligibility to enroll in a school district of choice, including a pupil selected by means of a random selection process conducted on or before June 30, 2009, pursuant to this article, as it read on June 30, 2009, shall be permitted to attend the school district of choice.~~

~~SEC. 5. Section 48311 of the Education Code is amended to read:~~

~~48311.(a)Upon request of the pupil's parent or guardian, each school district of choice that admits a pupil under this section to any school or program of the district may provide to the pupil transportation assistance within the boundaries of the district to that school or program, to the extent that the district otherwise provides transportation assistance to pupils.~~

~~(b)This section shall remain in effect only until July 1, 2020, and as of that date is repealed.~~

~~SEC. 6. Section 48311 is added to the Education Code, to read:~~

~~48311.(a) Upon request of the pupil's parent or guardian, a school district of choice shall provide free transportation assistance to the school or program to a pupil who is eligible for free or reduced-price meals and has transferred to a school district of choice.~~

~~(b) The transportation assistance required under subdivision (a) shall not exceed in cost one-half of the amount of "supplemental grant" funding received by the school district of choice for each pupil requesting transportation assistance.~~

~~(c)(1) A school district of choice may request a waiver from the state board from the requirement in subdivision (a) upon the state board's finding that the cost of providing transportation assistance leads to cuts in compensatory educational programs that outweigh the benefits in increased accessibility provided by the transportation assistance.~~

~~(2) For purposes of this subdivision, "supplemental grant" means a grant received pursuant to subdivision (c) of Section 42238.03.~~

~~(d) A school district of choice may provide transportation assistance to any pupil admitted under this article.~~

~~(e) A school district of choice shall not charge any fees for transportation required by this section.~~

~~(f) This section shall become operative on July 1, 2020.~~

~~SEC. 7. Section 48315 of the Education Code is amended to read:~~

~~48315. This article shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to continue services provided to pupils under the school district of choice program without interruption, it is necessary that this act take effect at the earliest possible time.~~





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### AB-1510 Athletic trainers. (2017-2018)

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Date Published: 02/17/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

## ASSEMBLY BILL

## No. 1510

Introduced by Assembly Member Dababneh

February 17, 2017

An act to add and repeal Chapter 5.8 (commencing with Section 2697) of Division 2 of the Business and Professions Code, relating to athletic trainers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1510, as introduced, Dababneh. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would enact the Athletic Training Practice Act, which would, after a determination is made that sufficient funds have been received to pay initial costs of this bill, provide for the licensure and regulation of athletic trainers, as defined. The bill would, after that determination, establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms, except as specified. Commencing 6 months after the committee is established by this bill, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. The bill would prohibit, except in specified cases for a specified period, a person from using the title "athletic trainer," unless the person is licensed by the committee. The bill would specify the requirements for licensure, including education, examination, and the payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe supervision requirements on athletic trainers.

The bill would also establish the Athletic Trainers' Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department's Internet Web site of the determination, as specified. This bill would repeal these provisions on January 1, 2025.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) California is one of only two states that does not currently regulate the practice of athletic training. This lack of regulation creates the risk that individuals who have lost or are unable to obtain licensure in another state will come to California to practice, thereby putting the public in danger and degrading the standards of the profession as a whole.

(b) There is a pressing and immediate need to regulate the profession of athletic training in order to protect the public health, safety, and welfare. This need is particularly important because athletic trainers often work with schoolage children.

(c) There is also a pressing and immediate need to regulate the profession of athletic training because the absence of regulation puts California businesses, colleges, universities, and other organizations at risk of liability solely because of the unlicensed status of athletic trainers in the state.

**SEC. 2.** Chapter 5.8 (commencing with Section 2697) is added to Division 2 of the Business and Professions Code, to read:

#### **CHAPTER 5.8. Athletic Trainers** **Article 1. Administration**

**2697.** This chapter shall be known, and may be cited, as the Athletic Training Practice Act.

**2697.1.** For the purposes of this chapter, the following definitions apply:

(a) "Athletic trainer" means a person who meets the requirements of this chapter, is licensed by the committee, and practices under the direction of a licensed physician or surgeon.

(b) "Board" means the California Board of Occupational Therapy.

(c) "Committee" means the Athletic Trainer Licensing Committee.

(d) "Director" means the Director of Consumer Affairs.

**2697.2.** (a) There is established the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy. The committee shall consist of seven members.

(b) The seven committee members shall include the following:

(1) Four licensed athletic trainers. Initially, the committee shall include four athletic trainers who have graduated from a professional degree program described in subdivision (a) of Section 2697.5 prior to approval by the committee and who will satisfy the remainder of the licensure requirements, including submission of an application, described in Section 2697.5 as soon as it is practically possible.

(2) One public member.

(3) One physician and surgeon licensed by the Medical Board of California or one osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California.

(4) One occupational therapist licensed by the board.

(c) Subject to confirmation by the Senate, the Governor shall appoint two of the licensed athletic trainers, the public member, the physician and surgeon or osteopathic physician and surgeon, and the licensed occupational therapist. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a licensed athletic trainer.

(d) (1) All appointments are for a term of four years and shall expire on June 30 of the year in which the term expires. Vacancies shall be filled for any unexpired term.

(2) Notwithstanding paragraph (1), for initial appointments to the committee, the public member appointed by the Governor and two of the athletic trainers shall serve terms of two years, and the remaining members shall

serve terms of four years.

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

**2697.3.** (a) (1) The committee shall adopt, repeal, and amend regulations as may be necessary to enable it to administer this chapter. All regulations shall be in accordance with this chapter.

(2) Before adopting regulations, the committee may consult the professional standards issued by the National Athletic Trainers Association, the Board of Certification, Inc., the Commission on Accreditation of Athletic Training Education, or any other nationally recognized professional athletic training organization.

(b) The committee shall approve programs for the education and training of athletic trainers.

(c) The committee shall investigate each applicant, before a license is issued, in order to determine whether the applicant meets the qualifications required by this chapter.

(d) Protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**2697.4.** Except as otherwise provided in this chapter, the committee shall issue an athletic training license to an applicant who meets all of the following requirements:

(a) Has submitted an application developed by the committee that includes evidence that the applicant has graduated from a professional degree program in athletic training accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors, and approved by the committee, at an accredited postsecondary institution or institutions approved by the committee. The professional degree program shall consist of didactic, clinical, and research experiences in athletic training using critical thinking and weighing of evidence.

(b) Has passed an athletic training certification examination offered by the Board of Certification, Inc., its predecessors or successors, or another nationally accredited athletic trainer certification agency approved and recognized by the committee.

(c) Possesses a certificate in Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) for professional rescuers and health care providers from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(d) Has paid the application fee established by the committee.

**2697.5.** Notwithstanding Section 2697.4, the committee shall issue an athletic training license to an applicant who did not graduate from an accredited athletic training education program described in subdivision (a) of Section 2697.4, but who received athletic training via an internship, if the applicant meets all of the following requirements:

(a) Furnishes evidence satisfactory to the committee of completion of a degree at an accredited postsecondary institution that included instruction in basic sciences related to, and on the practice of, athletic training.

(b) Passes the examination described in subdivision (b) of Section 2697.4.

(c) Completes at least 1,500 hours of clinical experience under an athletic trainer certified by a certification agency described in subdivision (b) of Section 2697.4.

(d) Possesses a certificate in CPR and AED for professional rescuers and health care providers from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(e) Has paid the application fee established by the committee.

**2697.6.** A license issued by the committee pursuant to Section 2697.4 or 2697.5 is valid for two years and thereafter is subject to the renewal requirements described in Sections 2697.7 and 2697.8.

**2697.7.** The committee shall establish license application and renewal fees in an amount sufficient to cover the reasonable regulatory costs of administering this chapter.

**2697.8.** The committee shall renew a license if an applicant meets all of the following requirements:

- (a) Pays the renewal fee as established by the committee.
- (b) Submits proof of all of the following:
  - (1) Satisfactory completion of continuing education, as determined by the committee.
  - (2) Current athletic training certification from a certification body approved by the committee, including, but not limited to, the Board of Certification, Inc., or its predecessors or successors.
  - (3) Current certification described in subdivision (c) of Section 2697.4.

**2697.9.** (a) The committee may deny a license or the renewal of a license for an applicant or licensee who is described by any of the following:

- (1) Does not meet the requirements of this chapter.
- (2) Has had an athletic training license, certification, or registration revoked or suspended by an accredited organization, state, or territory.
- (3) Has been convicted of a felony or any other crime that substantially relates to the functions or duties of an athletic trainer.
- (4) Has committed unprofessional conduct, as described in subdivision (b).

(b) The committee may order any of the following actions relative to an athletic training license after a hearing for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, any regulation adopted by the committee pursuant to this chapter, and revocation or suspension of an athletic training license, certification, or registration by an accredited organization, state, or territory:

- (1) Issuance of the athletic training license subject to terms and conditions.
- (2) Suspension or revocation of the athletic training license.
- (3) Imposition of probationary conditions upon the athletic training license.

## **Article 2. Athletic Training**

**2697.10.** (a) A person shall not engage in the practice of athletic training unless licensed pursuant to this chapter.

(b) A person shall not use the title "athletic trainer," "licensed athletic trainer," "certified athletic trainer," "athletic trainer certified," "a.t.," "a.t.l.," "c.a.t.," "a.t.c.," or any other variation of these terms, or any other similar terms indicating that the person is an athletic trainer unless that person is licensed pursuant to this chapter.

(c) Notwithstanding subdivisions (a) and (b), a person who practiced athletic training in California for a period of 20 consecutive years prior to July 1, 2018, and is not eligible on that date for an athletic training license may engage in the practice of athletic training and use the title "athletic trainer" without being licensed by the committee, upon registration with the committee. However, on and after January 1, 2021, a person shall not engage in the practice of athletic training or use the title "athletic trainer" unless he or she is licensed by the committee pursuant to this chapter.

**2697.11.** (a) The practice of athletic training includes all of the following:

- (1) Risk management and injury or illness prevention.
- (2) The clinical evaluation and assessment of an injury sustained or exacerbated while participating in physical activity.
- (3) The immediate care of an injury sustained or exacerbated while participating in physical activity or a condition exacerbated while participating in physical activity.

(4) The rehabilitation and reconditioning from an injury or an illness sustained or exacerbated while participating in physical activity.

(b) The practice of athletic training does not include grade 5 spinal manipulations.

(c) An athletic trainer shall refer a patient to an appropriate licensed health care provider when the treatment or management of the injury or condition does not fall within the practice of athletic training.

(d) An athletic trainer shall not provide, offer to provide, or represent that he or she is qualified to provide any treatment that he or she is not qualified to perform by his or her education, training, or experience, or that he or she is otherwise prohibited by law from performing.

(e) (1) For purposes of this section, "injury" means an injury sustained as a result of, or exacerbated by, participation in athletics or physical activity for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the practice of athletic training.

(2) For purposes of this section, "condition" means a condition acutely exacerbated while participating in athletics or physical activity for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the practice of athletic training.

**2697.12.** (a) An athletic trainer shall render treatment within his or her scope of practice under the direction of a physician and surgeon licensed by the Medical Board of California or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California. This direction shall be provided by verbal or written order by the directing physician and surgeon or osteopathic physician and surgeon or by athletic training treatment plans or protocols established by the physician and surgeon or osteopathic physician and surgeon.

(b) Notwithstanding any other law, and consistent with this chapter, the committee may establish other alternative mechanisms for the adequate direction of an athletic trainer.

**2697.13.** The requirements of this chapter do not apply to the following:

(a) An athletic trainer licensed, certified, or registered in another state or country who is in California temporarily, traveling with a team or organization, to engage in the practice of athletic training for, among other things, an athletic or sporting event.

(b) An athletic trainer licensed, certified, or registered in another state who is invited by a sponsoring organization, such as the United States Olympic Committee, to temporarily provide athletic training services under his or her state's scope of practice for athletic training.

(c) A student enrolled in an athletic training education program, while participating in educational activities during the course of his or her educational rotations under the supervision and guidance of an athletic trainer licensed under this chapter, a physician and surgeon licensed by the Medical Board of California, an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, or other licensed health care provider.

(d) A member or employee of the United States Armed Forces, licensed, certified, or registered in another state, as part of his or her temporary federal deployment or employment in California for a limited time.

**2697.14.** This chapter does not limit, impair, or otherwise apply to the practice of any person licensed and regulated under any other chapter of Division 2 (commencing with Section 500).

**2697.15.** This chapter does not require new or additional third-party reimbursement for services rendered by an individual licensed under this chapter.

### **Article 3. Athletic Trainers' Fund**

**2697.16.** The Athletic Trainers' Fund is hereby established. All fees collected pursuant to this chapter shall be paid into the fund. These fees shall be available to the committee, upon appropriation by the Legislature, for the regulatory purpose of implementing this chapter.

**2697.17.** (a) Notwithstanding any other law, including Section 11005 of the Government Code, the Director of Consumer Affairs may seek and receive funds from the California Athletic Trainers Association for the initial costs

of implementing this chapter.

(b) Articles 1 (commencing with Section 2697) and 2 (commencing with Section 2697.10) shall not become operative unless the director determines, on or before January 1, 2019, that sufficient funds to pay for the initial costs of this chapter have been received from the California Athletic Trainers Association, or some other source of funding, and the funds are deposited in the Athletic Trainers' Fund, in which case Article 1 shall become operative on the first January 1 or July 1, whichever occurs first, immediately following this determination. Article 2 shall become operative on the first January 1 or July 1, whichever occurs first, immediately following the operative date of Article 1. If the director finds that sufficient funds are not available by January 1, 2019, the director shall reexamine the funding status by June 30 of each subsequent year until either the director determines that sufficient funds have been received and deposited or until January 1, 2021, whichever occurs first.

(c) The director shall provide written notification to the Legislature and the Governor when the determination described in subdivision (b) has been made, and shall concurrently post a notice on the Department of Consumer Affairs Internet Web site that the determination has been made.

(d) A failure of the director to comply with subdivision (c) shall not affect the validity of a determination made pursuant to subdivision (b).

**2697.18.** This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

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**AB-1706 Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy. (2017-2018)**

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AMENDED IN SENATE JULY 05, 2017

AMENDED IN SENATE JULY 03, 2017

AMENDED IN SENATE JUNE 13, 2017

AMENDED IN ASSEMBLY MAY 02, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**ASSEMBLY BILL****No. 1706**

**Introduced by Committee on Business and Professions (Assembly Members Low (Chair), Brough (Vice Chair), Arambula, Baker, Bloom, Chiu, Dahle, Gipson, Grayson, Holden, Mullin, Steinorth, and Ting)**

**March 02, 2017**

An act to amend Sections 146, 1000, 2531, 2531.75, 2533.1, 2533.4, 2538.10, 2538.28, 2538.29, 2538.30, 2538.34, 2538.35, 2538.38, 2570.18, 2570.19, 2602, and ~~2607.5~~ 2607.5, 2653, 2688, and 2689 of, and to amend and renumber Section 2538.19 of, to amend and repeal Section 2648.7 of, and to repeal Section 2688.5 of, the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1706, as amended, Committee on Business and Professions. Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy.

*(1) Under existing law, violations of specified provisions relating to the registration, licensure, certification, or authorization in order to engage in certain businesses and professions, including, among others, physical therapy, are punishable as infractions under specified circumstances.*

*This bill would provide that the practice of occupational therapy without a license is an infraction under this provision. By expanding the scope of a crime, this bill would impose a state-mandated local program.*

The

*(2) The Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers*

and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2018.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

*Existing*

*(3) Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, which is within the Department of Consumer Affairs. That act authorizes the board to appoint an executive officer. That act repeals the provisions establishing the board and the board's authority to appoint an executive officer on January 1, 2018.*

This bill would extend the operation of the board and the board's authority to appoint an executive officer until January 1, 2022.

~~The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act~~ *act* authorizes a superior court of a county, on application of the board, to issue an injunction or other appropriate restraining order against a person other than a licensed speech-language pathologist or audiologist for an act or practice in violation of that act. That act authorizes the board to suspend, revoke, or impose terms and conditions upon the license of a licensee for, among other things, a conviction, as defined, of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist, audiologist, or hearing aid dispenser. The act authorizes the board to prosecute a person for a violation of the provisions of the act relating to hearing aid dispensers, as specified.

This bill would exclude licensed hearing aid dispensers from the persons against whom a superior court of a county is authorized to issue an injunction or other appropriate restraining order for an act or practice in violation of that act. The bill would expand the definition of a conviction, for the above-mentioned disciplinary purposes, to include certain convictions subsequently dismissed by a court. The bill would authorize the board to prosecute a person for a violation of any provision of the act.

~~The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act~~ *act* requires each applicant for a hearing aid dispenser's license to take and pass a written examination and a practical examination, as specified. That act authorizes the board to issue a temporary hearing aid dispenser license to an applicant who, among other things, holds a hearing aid dispenser's license in another state. That act also authorizes the board to issue a temporary hearing aid dispenser license to an applicant who proves to the satisfaction of the board that he or she will be supervised and trained by a hearing aid dispenser who is approved by the board. That act requires a temporary licensee who is supervised to take a licensure examination within the first 10 months after the temporary license is issued, and requires that the license expire if the temporary licensee fails to take the licensure examination.

This bill would rename the temporary license of supervised licensees as the trainee license and would make conforming changes. The bill would extend the time by when the licensee is required to take the examination to 12 months after the trainee license is issued.

*Existing*

*(4) Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy, which is within the Department of Consumer Affairs, and repeals the provisions establishing the board on January 1, 2018.*

This bill would extend the operation of the board until January 1, 2022.

*The act, among other things, prohibits a person from representing to the public by title, description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, or from using specified professional abbreviations or any other words, letters, or symbols with the intent to represent that he or she practices occupational therapy, unless he or she is authorized to practice occupational therapy under the act.*

*This bill would authorize a licensee under the act who has earned a doctoral degree in occupational therapy (OTD) or, after adoption by the board of specified regulations, a doctoral degree in a related area of practice or*



*study to use specified abbreviations and titles in communications, as provided.*

**Existing**

*(5) Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California, which is within the Department of Consumer Affairs. That act requires the board to appoint an executive officer and authorizes the board to employ other persons, as specified. That act repeals the provisions establishing the board and the board's authority to appoint an executive officer and other personnel on January 1, 2018.*

*This bill would extend the operation of the board and the board's authority to appoint an executive officer and other personnel until January 1, 2022.*

*A license issued under the act expires at 12 a.m. on the last day of the birth month of the licensee during the 2nd year of a 2-year term, if not renewed. To renew a license, the act requires that the licensee to, among other things, apply for renewal, pay the prescribed renewal fee, and submit proof satisfactory to the board that he or she has completed the required number of continuing education hours established by regulation by the board, as provided. The act exempts a licensee from the requirement to pay a renewal fee and submit proof of continuing education if he or she has applied to the board for retired license status and prohibits the holder of a retired license from engaging in, or assisting in the provision of, the practice of physical therapy unless he or she applies for renewal and meets specified requirements.*

*This bill would repeal the provision relating to retired license status as of January 1, 2019.*

*The act requires an applicant for a physical therapy license who has graduated from a physical therapist education program not approved by the board and not located in the United States to comply with specified requirements, including demonstrating proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language administered by the Educational Testing Services or such other examination as may be specified by the board by regulation.*

*This bill would instead allow an applicant, as described above, to demonstrate proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language or other means as prescribed by the board by regulation. The bill would also exempt from this requirement an applicant who has been awarded a bachelor's degree or higher in a physical therapist educational program from a college, university, or professional training school in Australia, any part of Canada other than Quebec, Ireland, New Zealand, the United Kingdom, the United States, or an English-speaking county specified by the board.*

*The act establishes various fees for licensure as a physical therapist, including application, issuance, licensure, and renewal. The act authorizes the board to decrease or increase the amount of these fees to an amount that does not exceed the cost of the associated activity. The act requires the board to report to specified committees of the Legislature whenever it increases any fee, as provided.*

*This bill, with respect to the fees described above, would delete the statutory limitation that the decreased or increased amount be in an amount that does not exceed the cost of the associated activity. The bill would repeal the requirement that the board report to the specified committees of the Legislature whenever it increases a fee.*

*The act authorizes the board to establish a fee, as provided, for persons certified to perform electromyographical testing and requires that the fee be paid as provided in specified law.*

*This bill would make a technical change to this provision by correcting an erroneous cross reference to other law.*

*Under existing law, a violation of any provision of the act is a misdemeanor.*

*By changing the scope of a crime, this bill would impose a state-mandated local program.*

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** *Section 146 of the Business and Professions Code is amended to read:*

**146.** (a) Notwithstanding any other provision of law, a violation of any code section listed in subdivision (c) is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when either of the following applies:

(1) A complaint or a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction unless the defendant, at the time he or she is arraigned, after being advised of his or her rights, elects to have the case proceed as a misdemeanor.

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Subdivision (a) does not apply to a violation of the code sections listed in subdivision (c) if the defendant has had his or her license, registration, or certificate previously revoked or suspended.

(c) The following sections require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by this code:

(1) Sections 2052 and 2054.

(2) *Section 2570.3.*

~~(2)~~

(3) Section 2630.

~~(3)~~

(4) Section 2903.

~~(4)~~

(5) Section 3575.

~~(5)~~

(6) Section 3660.

~~(6)~~

(7) Sections 3760 and 3761.

~~(7)~~

(8) Section 4080.

~~(8)~~

(9) Section 4825.

~~(9)~~

(10) Section 4935.

~~(10)~~

(11) Section 4980.

~~(11)~~

(12) Section 4989.50.

~~(12)~~

(13) Section 4996.

~~(13)~~

(14) Section 4999.30.

~~(14)~~

(15) Section 5536.

~~(15)~~

(16) Section 6704.

~~(16)~~

(17) Section 6980.10.

~~(17)~~

(18) Section 7317.

~~(18)~~

(19) Section 7502 or 7592.

~~(19)~~

(20) Section 7520.

~~(20)~~

(21) Section 7617 or 7641.

~~(21)~~

(22) Subdivision (a) of Section 7872.

~~(22)~~

(23) Section 8016.

~~(23)~~

(24) Section 8505.

~~(24)~~

(25) Section 8725.

~~(25)~~

(26) Section 9681.

~~(26)~~

(27) Section 9840.

~~(27)~~

(28) Subdivision (c) of Section 9891.24.

~~(28)~~

(29) Section 19049.

(d) Notwithstanding any other law, a violation of any of the sections listed in subdivision (c), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for his or her conviction.

**SECTION 1-SEC. 2.** Section 1000 of the Business and Professions Code is amended to read:



July 18, 2017

The Honorable Ricardo Lara, Chairman  
Senate Appropriations Committee  
State Capitol, Room 5050  
Sacramento, CA 95814

**RE: AB 1706 - SUPPORT - Continuation of California Board of Occupational Therapy**

Dear Chairman Lara,

The Occupational Therapy Association of California (OTAC) writes to express our support for AB 1706, which extends the sunset on the California Board of Occupational Therapy until 2022. We are supportive of the Board's mission to protect consumers through its regulatory, licensing and disciplinary functions while ensuring that occupational therapy licensees practice in a safe, ethical and competent manner. We were very encouraged that there were no fee increases for AP course review and probation monitoring costs included in the latest amendments to the bill.

There are 16,000 licensed occupational therapy clinicians in California, working with people of all ages experiencing physical and behavioral health conditions or disabilities to develop, improve, or restore functional daily living skills, such as caring for oneself, managing a home, achieving independence in the community, driving, or returning to work. Occupational therapy practitioners work collaboratively with physicians, nurses, physical therapists, speech-language pathologists, and other professionals in habilitation, rehabilitation, early intervention, school-based, substance abuse, and mental health / behavioral health practice. They collaborate with the patient or client, family members, and other key people in the individual's life to ensure that services are focused on meaningful activities that matter to him or her.

California's health and human services system is as complex as it is vast. As the state continues implementation of the Affordable Care Act, with one-third of the population enrolled in Medi-Cal and an estimated 1.4 million people enrolled in Covered California in 2017-18, meeting and increasing access to care is crucial. The same is true with respect to the costs and implications arising from the state's aging population - occupational therapy focuses on remediating challenges brought on by aging to allow people to live independently longer, and makes it possible for seniors to "age in place" in their own homes rather than in a nursing home. The number of occupational therapy practitioners, thus the number of entry-level practitioners, continues to increase to meet this demand, as demonstrated by the upswing in occupational therapy licensees since 2013. The Board's oversight is essential to develop guidelines and regulations that protect the scope of practice, ensure continuing competency, and monitor and evaluate legislative proposals and their potential impact on the occupational therapy profession and the people it serves.

We are happy to continue to support AB 1706, particularly given the fact that the bill does not include provisions increasing fees for Advance Practice Continuing Education Unit (CEU) course approvals, nor fees to recover costs to the Board for disciplinary actions against practitioners. Just last year, the Board approved license fee increases for OTs and OTAs. Instituting additional fees would negatively

impact OT practitioners in California and jeopardize access to qualified occupational therapists. In addition, many licensees on probation who are unable to work would find it extremely difficult to reimburse the Board for disciplinary costs.

While we support AB 1706 as drafted, we would like to see additional amendments to the bill that were included in the CBOT Sunset Report clarifying the board's authority to carry out its purpose for adopting rules in accordance with the Administrative Procedure Act, as follows:

Proposed Amendment to Business & Professions Code Section 2570.20

(a) The board shall administer, coordinate, and enforce the provisions of this chapter, and evaluate the qualifications, ~~and approve the examinations~~ for licensure under this chapter.

(b) The board shall adopt rules in accordance with the Administrative Procedure Act ~~relating to professional conduct to carry out~~ necessary to effectuate the purpose of this chapter, ~~including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy or to assist in the practice of occupational therapy in this state.~~ (c) Proceedings under this chapter shall be conducted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Given the uncertainty with respect to the federal healthcare policy landscape, it is more critical now than ever that the Board of Occupational Therapy is steadfast in its mission to protect consumers and uphold high standards of practice and competency for OT practitioners.

For these reasons, we support AB 1706, which continues the existence of the California Board of Occupational Therapy and its objectives to protect California consumers and ensure quality occupational therapy practice. If you have any questions, please contact Ivan Altamura with Capitol Advocacy at (916) 444-0400 or ialtamura@capitoladvocacy.com.

Sincerely,



Heather J. Kitching, OTD, OTR/L  
OTAC President

cc: Members, Senate Appropriations Committee  
Members, Senate Business, Professions & Economic Development Committee  
Members, Assembly Business & Professions Committee  
The Honorable Evan Low, Chairman, Assembly Business & Professions Committee  
Vince Chee, Assembly Business & Professions Committee Consultant  
Heather Martin, CBOT Executive Director



# California

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**SB-762 Healing arts licensee: license activation fee: waiver.** (2017-2018)

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AMENDED IN SENATE APRIL 17, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**SENATE BILL**

**No. 762**

**Introduced by Senator Hernandez**

**February 17, 2017**

*An act to amend Section 704 of the Business and Professions Code, relating to workforce development, healing arts.*

### LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Hernandez. ~~Health care workforce development.~~ *Healing arts licensee: license activation fee: waiver.*

*Existing law requires a healing arts board, as defined, to issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by the board. Existing law requires the holder of an inactive license or certificate to, among other things, pay the renewal fee in order to restore his or her license or certificate to an active status. Existing law requires the renewal fee to be waived for a physician and surgeon who certifies to the Medical Board of California that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.*

*This bill would require the renewal fee to be waived for any healing arts licensee who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.*

~~The federal Workforce Innovation and Opportunity Act of 2014 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified, and establishes local workforce investment boards to perform duties related to the implementation and coordination of local workforce investment activities. Existing law requires local workforce investment boards to spend a minimum percentage of~~

~~specified funds for adults and dislocated workers on federally identified workforce training programs and allows the boards to leverage specified funds to meet the funding requirements, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation relating to health care workforce development.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** *Section 704 of the Business and Professions Code is amended to read:*

**704.** In order for the holder of an inactive license or certificate issued pursuant to this article to restore his or her license or certificate to an active status, the holder of an inactive license or certificate shall comply with ~~all~~ *both* the following:

(a) Pay the renewal fee; provided, that the renewal fee shall be waived for a ~~physician and surgeon~~ *healing arts licensee* who certifies to the ~~Medical Board of California~~ *board* that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation ~~which that~~ provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

(b) If the board requires completion of continuing education for renewers of an active license or certificate, complete continuing education equivalent to that required for a single license renewal period.

~~SECTION 1. It is the intent of the Legislature to enact legislation relating to health care workforce development.~~