

## **LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE REPORT.**

Highlights from June 14, 2012, meeting:

The minutes for meetings held on January 24, 2012, and March 8, 2012, were approved.

Committee Chairwoman Luella Grangaard noted the items on page two of the agenda were mis-numbered and instructed everyone, starting with AB 1904, to renumber items 'a' – 'o' to 'o' – 'z' and then follow with items 'aa', 'bb', and 'cc.'

Ms. Grangaard went through the agenda and identified the bills that were dead and since they were on the agenda for informational purposes only, instructed the Committee members to cross them off since they wouldn't be discussed. The dead bills included Assembly Bills 386, 374, 608, 783,800, 958, 1003, 1205, 2458 and Senate bills 399, 462, 544, and 683.

The Committee referenced a bill tracking log that provided the Board's positions on the pending bills and if the bill hadn't been amended since it was last reviewed, agreed that no action was necessary. This included:

- Assembly Bill (AB) 171(Beall), Autism.
- AB 439 (Skinner), Health care information.
- AB 518 (Wagner), Elder and dependent adult abuse: mandated reporters.
- Senate Bill (SB) 770 (Steinberg and Evans), Health care coverage: mental illness: developmental disorder and autism.

The Committee discuss the remaining bills, as follows:

AB 1435 (Dickinson), Child abuse reporting was amended May 25<sup>th</sup>, adding athletic coaches, athletic directors, and administrators, as additional mandatory reporters. The Committee recommends the Board watch the bill.

AB 1588 (Atkins), Professions and vocations: reservist licensees: fees and continuing education. This bill require the board to waive the renewal fees and continuing education requirements, for a licensee who called to active duty as a member of the United States Military Reserve or the California National Guard. The Committee recommends the Board watch the bill.

AB 1896 (Chesbro), Tribal health programs: health care practitioners. This bill would expand a federal requirement by allowing a person who is licensed as a health care practitioner in any other state and is employed by a tribal health program be exempt from any state licensing requirement where the tribal health program performs specified services. The committee recommends the Board oppose the bill.

AB 1904 (Block), Professions and vocations: military spouses: temporary licenses. This bill would allow the Board to adopt regulations to issue a 180-day temporary license to an applicant who, among other requirements, holds an equivalent license in another jurisdiction and is married to an active duty member of the Armed Forces or who is assigned to a duty station in California under official active duty military orders.

*(AB 1904, continued)*

At the discretion of the Board, the temporary license could be extended for an additional 180-day period if another application is submitted. The Committee recommends the Board watch the bill.

AB 1932 (Gorell), United States armed services: healing arts boards. This bill would require the Board to clearly detail the methods of evaluating the education, training, and experience obtained in military service and whether that education, training, and experience is applicable to the board's requirements for licensure, and submit a report by January 1, 2014, and annually thereafter, to the Department of Veteran's Affairs and the Legislature. The Committee recommends the Board remain neutral on the bill.

AB 2570 (Hill), Licensees: settlement agreements. This bill would prohibit a licensee involved in a civil dispute from requiring the other party to withdraw a complaint from the board. The bill would also prohibit the Board from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional moneys to the benefit of any plaintiff in the civil action. The Committee recommends the Board take a support position on the bill.

SB 924 (Walters), Direct patient access to services and professional corporations. This bill would allow patient to access physical therapy without a physician's referral and add occupational therapists as employees of medical corporations, podiatric corporations and physical therapy corporations.

At its March meeting, the Board previously approved of the Committee's recommendation that the bill be 'watched,' and directed staff to try and work with the author to get occupational therapy (OT) corporations added to the bill and specify which health care practitioners could be employees of the OT corporations. Ms. Martin indicated that the authors wouldn't entertain a request to amend the bill without the Board taking a position.

After further discussion, the Committee agreed to recommend the Board take an Oppose unless Amended position, to add the OT corporations and the specified health care employees.

SB 975 (Wright), Professions and vocations: regulatory authority.

This bill would provide that a licensing board has the sole and exclusive authority to license and regulate the practice of a professions and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than requirements of the applicable board and through its statutory and regulatory authority. The bill would also prohibit a city, county, city and county, school district, other special district, a local or regional agency, or joint powers agency from imposing a licensing requirement upon a person licensed to practice a profession or vocation regulated by one of these boards. The Committee recommends the Board take a support position on the bill.

SB 1228 (Alquist), Small house skilled nursing facilities. This bill would create a new health facility licensing category for small house skilled nursing facilities for the purposes of providing skilled nursing care in a home like, non-institutional setting. The Committee recommends the Board take a support position on the bill.

SB 1274 (Wolk), Healing arts: hospitals: employment. This bill would authorize a hospital that is owned and operated by a licensed charitable organization, that offers only pediatric subspecialty care, that has not charged for professional services rendered to patients, to charge for services rendered to patients, provided certain conditions are met, including, but not limited to, that the hospital does not increase the number of salaried *licensees* by more than 5 each year, that the hospital accepts each patient regardless of his or her ability to pay, and that the medical staff concur by an affirmative vote that the *licensee's* employment meets a specified standard. The Committee recommends the Board watch the bill.

SB 1327 (Cannella), State government: business information: Internet Web site. This bill would request the Governor to establish an Internet Web site to assist an individual with the licensing, permitting, and registration requirements necessary to start a business. The Committee recommends the Board watch the bill.

SB 1575 (Committee on Business, Professions and Economic Development), Professions and vocations. This bill is the annual health-related omnibus bill; the Board has no amendments in this bill. The Committee recommends the Board watch the bill.

Bill No.	Author	Title	Board Position (as of date here)	Bill Version Reviewed	First Read by Comm	Recent Amended?	Status or Next Committee
AB 171	Beall	Pervasive developmental disorder or autism Previous: Autism spectrum disorder	Support 03/22/2012	05/03/2011		No	Senate Health No date yet
AB 374	Hayashi	Provides for licensure of athletic trainers	Watch 03/22/2012	05/27/2011		No	cancelled request of author
AB 386	Galgiani	Prisons: telehealth systems	Watch 03/22/2012	05/11/2011		No	dead
AB 439	Skinner	Health care information	Support 03/22/2012	06/28/2011		No	
AB 518	Wagner	Elder and dependent adult abuse: mandated reporters	Support 03/22/2012	03/23/2011		No	Sen. Banking & Financial Institutions No date yet
AB 608	Pan	Telemedicine	Watch 03/22/2012	02/16/2011		No	dead
AB 783	Hayashi	Professional corporations	Watch 03/22/2012	04/07/2011		No	dead
AB 800	Huber	Boards and commissions: time reporting	Neutral 03/22/2012	02/17/2012		No	dead
AB 958	Berryhill	Statue of limitations for disciplinary actions	Oppose 03/22/2012	02/18/2011		No	dead
AB 1003	Smyth	Professional and vocational licenses	Oppose 03/22/2012	02/18/2011		No	dead
AB 1205	Berryhill	Licensed behavior analysts	n/a	02/08/2011		4/4/2011	dead
AB 1435	Dickinson	Child abuse reporting	n/a	Introduced 01/4/2012	Y	5/25/2012	Awaiting Comm Assignment
AB 1588	Atkins	Professions and vocations: reservist licensees: fees and continuing education	n/a	Introduced 02/6/2012	Y	3/5/2012	Awaiting Comm Assignment
AB 1896	Chesbro	Tribal health programs: health care practitioners	n/a	Introduced 02/22/2012	Y	3/27/2012	Senate B&P No date yet

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AB 1904	Block	Professions and vocations: military spouses: temporary licenses	n/a	Introduced 02/22/2012	Y	No	Awaiting Comm Assignment
AB 1932	Gorell	United States armed services: healing arts boards	n/a	Introduced 02/22/2012	Y	4/17/2012	Awaiting Comm Assignment
AB 2458	Conway	Healing arts: health care practitioners	n/a	Introduced 02/22/2012		No	dead
AB 2570	Hill	Licenses: settlement agreements.	n/a	Introduced 02/24/2012	Y	n/a	Awaiting Comm Assignment
SB 399	Huff	Healing Arts: Advertising	Support 03/22/2012	Introduced 02/16/2012		n/a	dead
SB 462	Blakeslee	Provides for certification of special education advocates.	Watch 03/22/2012	Introduced 02/18/2011		05/31/2011	dead
SB 544	Price	Professions and Vocations: Amendments to the B&P Code; general provisions and the Occupational Therapy Practice Act	Watch 03/22/2012	Introduced 02/17/2011		1/4/2012	dead
SB 683	Correa	Early intervention services	n/a	Introduced 02/18/2011		1/12/2012	dead
SB 770	Steinberg/ Evans	Health care coverage: mental illness: developmental disorder and autism	n/a	Introduced 02/18/2011		8/31/2011	Re-referred to Assm Approps No date yet
SB 924	Price/ Walters/ Steilberg	Direct patient access to services and professional corporations	Watch * 03/22/2012	01/26/2012		NO	Assm B&P No date yet
SB 975	Wright	Professions and vocations: regulatory authority	n/a	Introduced 01/19/2012	Y	05/14/2012	Awaiting Comm Assignment

\* Board direct staff to watch and try to get OT corps added added

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SB 1228	Alquist	Small house skilled nursing facilities	n/a	Introduced 02/23/2012	Y	05/29/2012	Awaiting Comm Assignment
SB 1274	Wolk	Healing arts: hospitals: employment	n/a	Introduced 02/23/2012	Y	04/26/2012	Assm B&P and Health Comms No date yet
SB 1327	Cannella	State government: business information: Internet Web site	n/a	Introduced 02/23/2012	Y	NO	Awaiting Comm Assignment
SB 1575	Committee on Business, Professions and Economic Development	Professions and vocations	n/a	Introduced 03/12/2012	Y	04/16/2012	Assm B&P 6/19