

DISCUSSION AND CONSIDERATION OF TAKING A POSITION ON PENDING LEGISLATION.

The following are attached:

- a) Legislative report on pending bills.
- b) Assembly bill (AB) 225 (Gray, Gallagher), Department of Consumer Affairs: boards: veterans: military spouses: licenses.
- c) AB 1604 (Holden), The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.
- d) AB 1662 (Gipson), Department of Consumer Affairs: boards: veterans: military spouses: licenses. Licensing boards: disqualification from licensure: criminal conviction.
- e) AB 1733 (Quirk), State bodies: open meetings.
- f) AB 2671 (Assembly B&P Committee), Committee on Business and Professions: Occupational therapy.
- g) AB 2790 (Wicks), Reporting of crimes: mandated reporters.
- h) AB 2948 (Cooper), Consumer protection: Department of Consumer Affairs: complaints.
- i) Senate Bill (SB)1031 (Ochoa Bogh), Healing arts boards: inactive license fees.
- j) SB 1237 (Newman), Licenses: military service.
- k) SB 1310 (Leyva), Professions and vocations: consumer complaints.
- l) SB 1365 (Jones), Licensing boards: procedures

Please Note: All bills can be found here <https://leginfo.legislature.ca.gov/>

**California Board of Occupational Therapy
Legislative Update as of May 3, 2022**

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 225	Gray, Gallagher, and Patterson (Coauthor: Senator Dodd)	<p>Department of Consumer Affairs: boards: veterans: military spouses: licenses.</p> <p>This bill would expand the provisions of the military spouse temporary licensure program to apply to military veterans who have been other-than-dishonorably discharged and active-duty military members with orders for separation in 90 days.</p>		<p>Introduced January 11, 2021</p> <p>Amended: April 20, 2021 May 24, 2021 June 28, 2021</p>
AB 1604	Holden	<p>The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.</p> <p>This bill would, among other things, established that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, removing reference to ethnic minorities or women from this policy. This bill would have also required, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined. This bill would have further clarified that new board or commission members should be replaced, under these parameters, as vacancies occur.</p>		<p>Introduced January 4, 2022</p> <p>Amended: February 23, 2022 March 7, 2022</p>

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 1662	Gipson	<p>Licensing boards: disqualification from licensure: criminal conviction. This bill would allow a prospective applicant that has been convicted of a crime to submit a request to a board for a preapplication determination on whether they would be disqualified for licensure. The prospective applicant would not need to pay a fee or submit any official documents.</p>	None	<p>Introduced January 18, 2022</p> <p>Amended: April 27, 2022</p>
AB 1733	Quirk	<p>State bodies: open meetings. This urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.</p>		<p>Introduced January 31, 2022</p>
AB 2671	Assembly B&P Committee	<p>Committee on Business and Professions. Occupational therapy. This bill is the sunset bill for the California Board of Occupational Therapy.</p>	None	<p>Introduced February 18, 2022</p> <p>Amended: April 27, 2022</p>
AB 2790	Wicks (Coauthor: Assembly Member Cristina Garcia)	<p>Reporting of crimes: mandated reporters. This bill would remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct.</p>		<p>Introduced February 18, 2022</p> <p>Amended: March 17, 2022 March 30, 2022</p>

Bill #	Author	Summary	Board Position/ Date Taken	Status
		The bill would instead require a health care practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence, as defined, to provide brief counseling and a referral to local and national domestic violence or sexual violence advocacy services, as specified.		
AB 2948	Cooper	Consumer protection: Department of Consumer Affairs: complaints. This bill would require the Department to notify a complaining consumer of the resolution of their complaint within 60 days of closure, unless it would prove a danger to public health, safety or welfare.	None	Introduced February 18, 2022
SB 1031	Ochoa Bogh (Coauthors: Senators Jones and Nielsen)	Healing arts boards: inactive license fees. This bill would require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license unless the board establishes a lower fee. The bill would make conforming and other non-substantive changes.		Introduced February 15, 2022
SB 1237	Newman	Licenses: military service. This bill would require boards and bureaus to waive license renewal fees for active-duty military members stationed outside of California.		Introduced February 17, 2022 Amended: March 30, 2022
SB 1310	Leyva	Professions and vocations: consumer complaints. This bill would require the director to post these guidelines on the department's internet website and periodically amend this material.		Introduced February 18, 2022

Bill #	Author	Summary	Board Position/ Date Taken	Status
SB 1365	Jones	<p>Licensing boards: procedures. This bill would require all boards to post a list of criteria used to evaluate applicants with criminal convictions on their websites. DCA would have to develop a process for each board to use in verifying applicant information and performing background checks of applicants, as well as develop a procedure to provide for an informal appeals process.</p>		Introduced February 18, 2022

CHAPTERED BILLS.

2021 Chaptered Legislation

AB 451 – Arambula, Health Care Facilities: Treatment of Psychiatric Emergency Medical Conditions.

This bill would require a psychiatric unit within a general acute care hospital, a psychiatric health facility, or an acute psychiatric hospital to accept the transfer of a person with a psychiatric emergency medical condition from a health facility that operates an emergency department and to provide emergency services and care to treat that person, regardless of whether the facility operates an emergency department, if specified criteria are met. The bill would also require a facility accepting a transfer of a person pursuant to those provisions to comply with specified requirements. The bill would exclude state psychiatric hospitals and specified psychiatric health facilities from its provisions. By creating a new crime, this bill would impose a state-mandated local program.

AB 457 – Santiago, Protection of Patient Choice in Telehealth Provider Act.

This bill would provide that the payment or receipt of consideration for internet-based advertising, appointment booking, or any service that provides information and resources to prospective patients of licensees does not constitute a referral of a patient if the internet-based service provider does not recommend or endorse a specific licensee to a prospective patient. This bill would delete that date restriction, thereby extending the telehealth reimbursement parity requirement for all contracts between a health care service plan or a health insurer and a health care provider. The bill would provide that these provisions are severable.

The bill would also enact the Protection of Patient Choice in Telehealth Provider Act, and would require a health care service plan and a health insurer to comply with specified notice and consent requirements if the plan or insurer offers a service via telehealth to an enrollee or an insured through a third-party corporate telehealth provider, as defined. For an enrollee or insured that receives specialty telehealth services for a mental or behavioral health condition, the bill would require that the enrollee or insured be given the option of continuing to receive that service with the contracting individual health professional, a contracting clinic, or a contracting health facility. The bill would exempt specified health care service plan contracts and Medi-Cal managed care plan contracts from those provisions. The bill would require the State Department of Health Care Services to consider the appropriateness of applying those requirements to the Medi-Cal program, as specified. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

AB 1259 – Chiu, Criminal Procedure: Motion to Vacate.

This bill would authorize a person to make that motion to vacate based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.

AB 1561 – Committee on Labor and Employment. Worker classification: Employees and Independent Contractors.

This bill would extend the inoperative date of this exemption for licensed manicurists to January 1, 2025.

This bill would delete the above-described condition regarding the consideration paid. The bill would revise the exemption to instead apply to the relationship between a data aggregator and a “research subject,” as defined, and would make related, conforming changes.

This bill would expand that exception to also apply to a person who provides claims adjusting or third-party administration, as defined.

This bill, in regard to the above exemption, would provide that the statutorily imposed duties of a manufactured housing dealer are not factors to be considered under the Borello test.

SB 226 – Pan, Medi-Cal: County of Sacramento.

This bill would authorize the Board of Supervisors of the County of Sacramento to establish a health authority to perform specified duties, including negotiating and entering into contracts with health plans, as prescribed. The bill would require the health authority to meet with any health plans intending to contract with the department, and, subsequent to meeting with all interested health plans, to designate to the department at least 2 licensed health plans for the department’s approval based on specified criteria.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sacramento.

SB 434 – Bates, Substance Abuse and Mental Health Services: Advertising and Marketing.

This bill would prohibit an operator of a licensed alcoholism or drug abuse recovery or treatment facility, a certified alcohol or other drug program, and a licensed mental health rehabilitation center, psychiatric health facility, or social rehabilitation facility, from engaging in various acts, including making a false or misleading statement about the entity’s products, goods, services, or geographical locations. The bill would also prohibit a picture, description, staff information, or the location of an entity from being included on an internet website along with false contact information that surreptitiously directs the reader to a business that does not have a contract with the entity. The bill would authorize the department responsible for the facility’s licensure or certification to investigate allegations of a violation of these provisions and, upon finding a violation, to impose the civil sanctions and other penalties available pursuant to existing law, but would not make a violation of these provisions a crime.

SB 507 – Eggman, Mental Health Services: Assisted Outpatient Treatment.

This bill would, among other things, instead require that the above-described findings include a clinical determination that the person is unlikely to survive safely in the community without supervision and that the person’s condition is substantially deteriorating, or that assisted outpatient treatment is needed to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others. This bill would allow the subject of the petition or the examining mental health professional to appear before the court for testimony by videoconferencing, as specified.

The bill would additionally authorize the filing of a petition to obtain assisted outpatient treatment under the existing petition procedures for a person if the court makes a prescribed determination, including that the person is an eligible conservatee, as defined.