



## MEMORANDUM

<b>DATE</b>	April 6, 2022
<b>TO</b>	Board Members
<b>FROM</b>	Mark Ito Executive Director
<b>SUBJECT</b>	<b>2022 Legislation – Agenda Item 11 A.</b>

Listed below are the key bills that the Board has been following:

AB 225 Department of Consumer Affairs: boards: veterans: military spouses: licenses  
 Gray (D), Gallagher (R) and Patterson (R)

**Summary:** This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions, a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions.

**Board Analysis:** This bill expands the eligibility for a military applicant to receive a temporary license if they have separated from active duty within 120 months. The current language is 90 days. This will increase the number of military applicants eligible for a temporary license.

**Fiscal Impact:** The Board anticipates that this bill would create a minor workload increase due to the increase in military applicants being eligible for the temporary license.

INTRODUCED: January 11, 2021  
 LAST AMENDED: June 28, 2021  
 DISPOSITION: Pending  
 LOCATION: Senate Committee on Business, Professions and Economic Development  
 STATUS: June 30, 2021 – In Committee: Hearing Postponed by Committee

AB 1604                      The Upward Mobily Act of 2022: boards and commissions: civil service:  
examinations: classifications  
Holden (D)

**Summary:** This bill would, among other things, establish 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 also require, 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. This bill would further clarify that new board or commission members should be replaced, under these parameters, as vacancies occur.

**Board Analysis:** The demographic categories could potentially impact the Board's Physician and Surgeon survey.

**Fiscal Impact:** The Board does not anticipate a fiscal impact as a result of this bill. Any cost to adjust the Board's Physician and Surgeon Survey would be absorbed within existing resources.

INTRODUCED:                      January 4, 2022  
LAST AMENDED:                      March 7, 2022  
DISPOSITION:                      Pending  
LOCATION:                              Assembly Appropriations Committee  
STATUS:                                March 16, 2022 – Re-referred to the Assembly Committee on  
Appropriations

**Position:**                              Staff Recommendation = Support

AB 1636                      Physician's and surgeon's certificate: registered sex offenders  
Weber (D)

**Summary:** This bill would require the Board to deny a physician's and surgeon's license to an applicant who has engaged in specified sexual misconduct. Physicians who have had their application denied or license revoked for committing certain sexual misconduct violations would be ineligible to obtain a physician's and surgeon's license in the future.

**Board Analysis:** This bill would not create additional workload for staff as the Board already processes enforcement cases involving sexual misconduct. It would impact the outcome of these related cases.

**Fiscal Impact:** There would be a one-time cost for staff to implement new enforcement codes in the BreZE system.

INTRODUCED:                      January 12, 2022  
DISPOSITION:                      Pending  
LOCATION:                                Assembly Business and Professions Committee  
STATUS:                                January 20, 2022 – Referred to the Assembly Business and Professions  
Committee

AB 1662                      Licensing boards: disqualification from licensure: criminal conviction  
Gipson (D)

**Summary:** This bill would authorize a prospective applicant that has been convicted of a crime to submit a request to a board a request for a preapplication determination on whether they would be qualified for licensure. The bill would require a board to determine if the prospective applicant would be disqualified from licensure based on their criminal conviction.

**Board Analysis:** This bill would create a significant workload increase for the Board. This would require the Board to make a predetermination on licensure from prospective applicants who have been convicted of a crime. The Board anticipates receiving a total of 330 requests from prospective applicants.

**Fiscal Analysis:** The Board anticipates that the increase in workload due to this bill will require one additional staff to process the 330 predetermination applications.

INTRODUCED:                January 18, 2022  
DISPOSITION:                Pending  
LOCATION:                      Assembly Business and Professions Committee  
STATUS:                        January 27, 2022 – Referred to the Assembly Business and Professions  
Committee

AB 1733                      State bodies: open meetings  
Quirk (D)

**Summary:** This urgency bill would specify that a meeting held under the Bagley-Keene Meeting Act includes a meeting held entirely by teleconference 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, and posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed.

**Board Analysis:** This bill would provide the Board with the flexibility to have board meetings in-person or entirely by teleconference. This bill would be beneficial to the Board and make it more efficient to conduct business while still maintaining the requirements allowing the public to readily access our meetings.

**Fiscal Impact:** There would be no additional costs for the Board to implement this bill, however there would be a minor cost savings if the Board conducted 1-2 meeting by teleconference per year.

INTRODUCED:                January 31, 2022  
DISPOSITION:                Pending  
LOCATION:                      Assembly Committee on Governmental Operations  
STATUS:                        February 18, 2022 – Referred to the Assembly Committee on  
Governmental Operations

**Position:**                      Staff Recommendation = Support

AB 1954 Physicians and surgeons: treatment and medication of patients using cannabis  
Quirk (D)

**Summary:** This bill would prohibit a physician and surgeon from denying treatment or medication to a qualified patient based solely on a positive drug screen for tetrahydrocannabinol (THC) or report of medical cannabis use. The bill would prohibit a physician and surgeon shall from being punished, or denied any right or privilege, for having administered treatment or medication to a qualified patient within the bill's requirements.

**Board Analysis:** This bill clarifies existing law related to the use of cannabis as it applies to physicians treating patients that either test positive for THC or who are using medical cannabis. Specifically, even though cannabis is a controlled substance under federal law, a physician shall not deny treatment to a patient that has tested positive for THC or is using cannabis for medical treatment. Additionally, a physician cannot be punished for treating patients with medical cannabis.

While the bill adds a new section to BPC, it does not add a new violation for enforcement purposes. Rather it modifies the outcome of cases involving use of medical cannabis by patients of physicians. For this reason, the bill would not increase the enforcement workload for the Board.

**Fiscal Impact:** No fiscal impact

INTRODUCED: February 10, 2022  
DISPOSITION: Pending  
LOCATION: Assembly Business and Professions Committee  
STATUS: February 18, 2022 – Referred to the Assembly Business and Professions Committee

AB 2055 Controlled substances: CURES database  
Low (D)

**Summary:** This bill would remove the Controlled Substance Utilization Review and Evaluation System (CURES) database from the Department of Justice to a department specified by the Governor.

**Board Analysis:** The Board utilizes the CURES database during the course of investigating its licensees for enforcement cases involving among other things, overprescribing. The database is currently maintained by the Department of Justice. The Board does not believe moving the database to a different department will change the functionality nor costs currently distributed to the Board.

**Fiscal Impact:** No anticipated fiscal impact

INTRODUCED: February 14, 2022  
DISPOSITION: Pending  
LOCATION: Assembly Committee on Public Safety  
STATUS: March 29, 2022 – Re-referred to the Assembly Committee on Public Safety

AB 2098 Physicians and surgeons: unprofessional conduct  
Low (D)

**Summary:** This bill would designate the dissemination or promotion of misinformation or disinformation related to the SARS-CoV-2 coronavirus, or “COVID-19,” as unprofessional conduct. The bill would require the board to consider specified factors prior to bringing a disciplinary action against a physician and surgeon.

**Board Analysis:** This bill adds a new enforcement violation to the business and professions code related to a physician providing misinformation about COVID19. This bill deems this new violation as unprofessional misconduct. There will be increased workload as a result of this bill and the Board will be required to add new enforcement codes to the BreEZe system.

**Fiscal Impact:** The Board anticipates receiving approximately 10 additional cases as a result of the bill, which would result in approximately 220 hours of additional workload. If the Board is unable to absorb this additional workload, a legislative budget change proposal will be submitted during the annual budget process.

INTRODUCED: February 14, 2022  
DISPOSITION: Pending  
LOCATION: Assembly Business and Professions Committee  
STATUS: February 24, 2022 – Referred to the Assembly Business and Professions Committee

SB 1031 Healing arts boards: inactive license fees  
Ochoa Bogh (R)

**Summary:** This bill would require the renewal fee for an inactive license to be  $\frac{1}{2}$  of the amount of the fee for a renewal of an active license unless the board establishes a lower fee.

**Board Analysis:** The Board’s active renewal fee is \$400 and the inactive renewal fee is \$300. This bill would reduce the inactive renewal fee to \$200, which would reduce the Board’s revenue by \$100 per inactive renewal.

**Fiscal Impact:** The Board receives approximately 400 inactive renewals per year. If the Board reduced the inactive renewal fee by \$100, there would be a renewal loss of \$40,000 per year, which is absorbable within our existing budget.

INTRODUCED: February 15, 2022  
DISPOSITION: Pending  
LOCATION: Senate Committee on Business, Professions and Economic Development  
STATUS: March 16, 2022 – Set for hearing on April 18, 2022

SB 1237 Licenses: military service  
Newman (D)

**Summary:** This bill would require boards and bureaus to waive license renewal fees for active-duty military members stationed outside of California.

**Board Analysis:** The Board already waives the renewal fees for military licensees called to active duty in California. This bill adds out of state licensees that hold a California license to this waiver. The Board estimates that an additional 15 military licensees will be eligible for this waiver.

**Fiscal Impact:** The Board anticipates a revenue loss of approximately \$7,000 per year.

INTRODUCED: February 17, 2022  
LAST AMENDED: March 30, 2022  
DISPOSITION: Pending  
LOCATION: Senate Committee on Business, Professions and Economic Development  
STATUS: March 30, 2022 – Referred to the Senate Committee on Business, Professions and Economic Development

SB 1365 Licensing boards: procedures  
Jones (R)

**Summary:** 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.

**Board Analysis:** Business and Professions Code (BPC) section 480 lists the criteria for what crimes the Board can deny; BPC section 481 lists the rehabilitation criteria that the Board uses to evaluate and determine whether to issue a license with a criminal background. The severity of the crime is one factor and that is already listed in the statute. The Board's regulations already list the criteria for evaluating criminal background and rehabilitation. In this respect, this bill is duplicative of something that already exists.

However, if the purpose of the bill is to make it more user friendly by requiring the Board to copy and paste the existing statutes and regulations into documents posted on the website, that would require updating on a regular basis because the law changes. If the Board posted links to the exact statutory sections and regulations those links would have to be updated regularly because the wording changes and links are not automatically updated.

This bill is requiring a different process that functions as a predetermination that can occur outside of an application process. This would create significant additional workload and costs. A process of predetermination would increase the Board's workload because it would attract even more requests than applicants. The Board estimates this predetermination would represent one out of ten applications plus potential applicants who do not apply until they are sure that will be approved for licensure.

**Fiscal Impact:** This bill would create a fiscal impact for the Board. The Board would need an additional enforcement staff to process this additional workload.

INTRODUCED: February 18, 2022  
DISPOSITION: Pending  
LOCATION: Senate Committee on Business, Professions and Economic Development  
STATUS: March 16, 2022 – Set for hearing on April 4, 2022