



## Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,  
Land Surveyors, and Geologists

Monday, May 2, 2022, beginning at 9:00 a.m.  
and continuing Tuesday, May 3, 2022, beginning at  
9:00 a.m., if necessary

Department of Consumer Affairs  
1625 North Market Blvd.  
Hearing Room, South, #102  
Sacramento, CA 95834



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BOARD MEETING

MAY 2-3, 2022

Department of Consumer Affairs  
1625 North Market Blvd., Hearing Room #102  
Sacramento, CA 95834

### BOARD MEMBERS

President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong

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D. Pending Litigation [Pursuant to Government Code section 11126(e)]	
<b>XIV. Adjournment</b>	<b>226</b>
Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.	

**I. Roll Call to Establish a Quorum**

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## II. Pledge of Allegiance

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**III. Public Comment for Items Not on the Agenda**

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#### **IV. Administration**

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##### A. Fiscal Year 2021/22 Budget Report

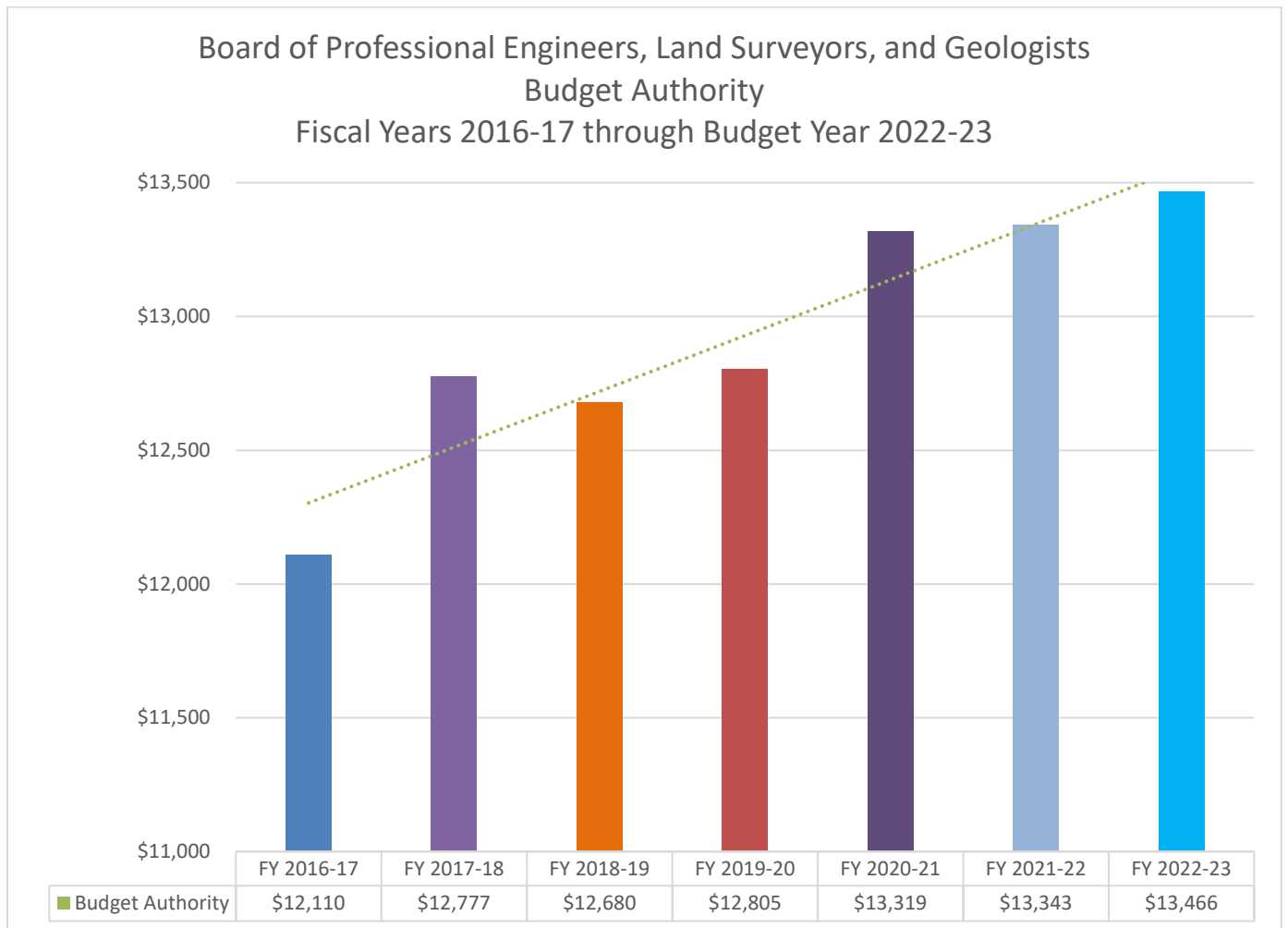


# BUDGET AUTHORITY

The Governor's Proposed Budget 2022-23 was published January 10, 2022 and includes \$13,466,000 in appropriations for the Board (1% increase over FY 2021-22). The Board received a reimbursement of \$171,711 in expenses related to contact tracing for COVID-19 that is reflected in FY 2020-21 as an adjustment.

The Board's Budget Authority for FY 2021-22 is \$13,343,000 and includes the General Salary Increase of 4.55%. Board actual expenditures six-year average is 86% of Budget Authority.

The Board's Budget Authority for fiscal year FY 2020-21 was \$13,319,000 which included an adjustment for the 9.23% reduction in staff compensation.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

**Current Year Projections**  
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

**Revenue Category**  
Provides the name of the line item where our revenues occur.

**Prior Year**  
Revenue collected up to FM 4 in October of 2020.

**Arrows**  
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

**Current Year**  
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs  
Expenditure Projection Report

Fiscal Month: 4  
Fiscal Year: 2021 - 2022  
Run Date: 12/09/2021

**Fiscal Month**  
Identifies the expenditures up to October 2021  
**Fiscal Year**  
Identifies the current year  
**Run Date**  
Identifies the date this report was pulled from QBIRT

**CY 21-22 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Governor's Budget**  
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

**Object Description**  
Provides the name of the line item where our expenditures occur.

**PY 20-21 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Percent of Governor's Budget spent**  
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

**Projections to Year End**  
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

\*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

**Surplus/(Deficit)**  
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

# FISCAL YEAR 2021-22

## FISCAL MONTH 8 FINANCIAL STATEMENT

### Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$4,392,166 (51%) over prior period.

REVENUE CATEGORY	PRIOR YEAR FY 2020-21 FM 8		CURRENT YEAR FY 2021-22 FM 8	CURRENT YEAR PROJECTIONS
Delinquent Fees	\$76,049	↑	\$101,690	\$150,076
Other Regulatory Fees	\$64,375	↑	\$77,688	\$102,138
Other Regulatory Licenses & Permits	\$702,771	↑	\$1,383,351	\$1,743,588
Other Revenue	\$36,616	↓	\$21,189	\$51,328
Renewal Fees	\$5,348,038	↑	\$9,036,099	\$10,269,519
Total	\$6,227,850	↑	\$10,620,016	\$12,316,649

There are no changes in the revenue projections from FM 1.

Total Revenue for FY 2020-21 was \$8,559,000 (72% of total revenue booked by FM 8). Current year FM 8 revenue is 86% of current year projections.

Reimbursements total \$89,528 including \$44,541 for background checks and \$43,757 in cost recovery. Background check expenses are included in General Expense category.

FY 2021-22 Current Year projections include renewal revenue for delinquent licenses and licenses issued during the fiscal year and subject to renewal. FY 2019-20 FM 6 includes \$1,553,268 Revenue in advance. FY 2021-22 FM 6 includes \$2,650,380 Revenue in advance.

Department of Consumer Affairs  
Expenditure Projection Report

Fiscal Month: 8

Fiscal Year: 2021 - 2022

Run Date: 3 /21/2022

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 8 YTD + Encumbrance	CY 21-22 FM 8 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$1,915,316	\$2,180,315	\$3,589,000	61%	\$3,362,680
	5100 TEMPORARY POSITIONS	\$72,192	\$87,793	\$232,000	38%	\$142,343
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$2,900	\$45,076	\$36,000	125%	\$55,541
	5150 STAFF BENEFITS	\$1,104,647	\$1,231,875	\$1,776,000	69%	\$1,903,704
	<b>PERSONAL SERVICES</b>	<b>\$3,095,055</b>	<b>\$3,545,060</b>	<b>\$5,633,000</b>	<b>63%</b>	<b>\$5,464,268</b>

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$34,455	\$94,667	\$32,000	296%	\$82,620
3	5302 PRINTING	\$44,218	\$88,633	\$26,000	341%	\$61,300
	5304 COMMUNICATIONS	\$13,273	\$9,688	\$15,000	65%	\$20,977
	5306 POSTAGE	\$25,058	\$1,462	\$36,000	4%	\$26,320
	5308 INSURANCE	\$93	\$0	\$0	0%	\$660
	53202-204 IN STATE TRAVEL	\$351	\$1,402	\$22,000	6%	\$22,000
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
4	5324 FACILITIES*	\$602,966	\$456,527	\$377,000	121%	\$550,595
5	53402-53403 C/P SERVICES (INTERNAL)	\$511,899	\$356,290	\$696,000	51%	\$626,137
6	53404-53405 C/P SERVICES (EXTERNAL)	\$2,083,613	\$1,548,053	\$3,324,000	47%	\$1,927,631
7	5342 DEPARTMENT PRORATA	\$1,278,750	\$1,420,500	\$1,935,000	73%	\$1,935,000
8	5342 DEPARTMENTAL SERVICES	\$10,593	\$17,803	\$27,000	66%	\$17,803
	5344 CONSOLIDATED DATA CENTERS	\$12,793	\$75	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$105,516	\$299,963	\$166,000	181%	\$101,972
	5362-5368 EQUIPMENT	\$24,386	\$19,859	\$0	0%	\$92,653
9	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$838	\$0	0%	\$1,000
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$4,747,964</b>	<b>\$4,317,760</b>	<b>\$6,696,000</b>	<b>64%</b>	<b>\$5,490,669</b>
	<b>OVERALL TOTALS</b>	<b>\$7,843,019</b>	<b>\$7,862,820</b>	<b>\$12,329,000</b>	<b>64%</b>	<b>\$10,954,937</b>

\*Includes additional \$75k Architecture Revolving Fund expense 16



## Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 2.0 SSA/AGPA, and 1.0 OT.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 8 are \$44,541.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months. New DCA wide printing contract bills timely and there will be expenses recorded in FY 21-22 for both contracts.
- 4 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 5 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 6 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.

# 0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

## Analysis of Fund Condition

Prepared 4.19.2022

### 2022-23 Governor's Budget with PY Actuals & CY FM 8 Projections

	Actual 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
<b>BEGINNING BALANCE</b>	\$ 4,844	\$ 2,352	\$ 3,099	\$ 959
Prior Year Adjustment	\$ 36	\$ 171	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,880	\$ 2,523	\$ 3,099	\$ 959
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent fees	\$ 122	\$ 150	\$ 152	\$ 152
4127400 Renewal fees	\$ 6,707	\$ 10,270	\$ 9,081	\$ 10,584
4129200 Other regulatory fees	\$ 104	\$ 102	\$ 103	\$ 103
4129400 Other regulatory licenses and permits	\$ 1,571	\$ 1,744	\$ 1,761	\$ 1,761
4163000 Income from surplus money investments	\$ 32	\$ -	\$ 14	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 21	\$ 21	\$ 21	\$ 21
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ 2	\$ -	\$ -	\$ -
Totals, Revenues	\$ 8,559	\$ 12,288	\$ 11,133	\$ 12,622
Totals, Revenues and Transfers	\$ 8,559	\$ 12,288	\$ 11,133	\$ 12,622
Totals, Resources	\$ 13,439	\$ 14,811	\$ 14,232	\$ 13,581
<b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,243	\$ 10,847	\$ 12,408	\$ 12,780
8880 Financial Information System for CA (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 635	\$ 656	\$ 656	\$ 635
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,087	\$ 11,712	\$ 13,273	\$ 13,624
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 2,352	\$ 3,099	\$ 959	\$ -43
<b>Months in Reserve</b>	2.4	2.8	0.8	0.0

#### NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. CY PY ADJUSTMENT IS ESTIMATED REIMBURSEMENT FOR COVID EXPENSES, CONTACT TRACING EMPLOYEES

**V. Consideration of Rulemaking Proposals (Possible Action)**

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- A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, and 3026 relating to ASBOG Examination Fees, Abandoned Applications, and Postponements
- B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 422, 3021, 3023, 3023.1, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations
- C. Amendments to Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30 regarding References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers.



## VI. Legislation

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### A. 2022 Legislative Calendar

### B. Discussion of Legislation for 2022 (**Possible Action**)

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
3. AB 1733 (Quirk) State bodies: open meetings.
4. AB 1795 (Fong) Open meetings: remote participation.
5. SB 1120 (Jones) California Coordinate System.
6. SB 1237 (Newman) Licenses: military service.
7. SB 1365 (Jones) Licensing boards: procedures.
8. SB 1443 (Roth) The Department of Consumer Affairs.
9. SB 1487 (Rubio) Teacher credentialing: Integrated Undergraduate Credentialing Tuition Grant Program.
10. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.



**DEADLINES**

JANUARY						
S	M	T	W	TH	F	S
						<u>1</u>
2	<u>3</u>	4	5	6	7	8
9	<u>10</u>	11	12	13	<u>14</u>	15
16	<u>17</u>	18	19	20	<u>21</u>	22
23	24	25	26	27	28	29
30	<u>31</u>					

FEBRUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	<u>18</u>	19
20	<u>21</u>	22	23	24	25	26
27	28					

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	TH	F	S
					<u>1</u>	2
3	4	5	6	<u>7</u>	8	9
10	11	12	13	14	15	16
17	<u>18</u>	19	20	21	22	23
24	25	26	27	28	<u>29</u>	30

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	<u>6</u>	7
8	9	10	11	12	<u>13</u>	14
15	16	17	18	19	<u>20</u>	21
22	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	28
29	<u>30</u>	<u>31</u>				

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3 Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14 Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17 Martin Luther King, Jr. Day.
- Jan. 21 Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21 Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31 Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18 Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21 Presidents' Day.

- Apr. 1 Cesar Chavez Day observed
- Apr. 7 **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29 Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6 Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13 Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27 **Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27 Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30 Memorial Day.
- May 31 Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to final approval by the Rules Committee

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	<u>15</u>	16	17	18
19	20	21	22	23	24	25
26	27	28	29	<u>30</u>		

JULY						
S	M	T	W	TH	F	S
					<u>1</u>	2
3	<u>4</u>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST						
S	M	T	W	TH	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	10	11	<u>12</u>	13
14	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	<u>29</u>	<u>30</u>	<u>31</u>			

**June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).

**June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

**July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

**July 4** Independence Day.

**Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 12** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

**Aug. 15 - 31 Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

**Aug. 25** Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

**Aug. 31** Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

**Final Recess** begins at end of this day's session (J.R. 51(b)(3)).

## IMPORTANT DATES OCCURRING DURING FINAL RECESS

### 2022

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 8

General Election.

Nov. 30

Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 5

12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

### 2023

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).



**AB 646 (Low, D-Campbell; Coauthors: Assembly Members Cunningham, R-San Luis Obispo, and Gipson, D-Gardena; Senator Roth, D-Riverside)  
Department of Consumer Affairs: boards: expunged convictions.**

**Status/History:** 2/1/2022 –In Senate. Read first time. To Committee on Rules for assignment.

**Location:** 2/1/2022 – Senate Rules Committee

**Introduced:** 2/12/2021

**Last Amended:** 1/24/2022

**Board Position:** Watch (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

This bill was amended on April 14, 2021, to allow boards to charge a fee to the person in an amount not to exceed the reasonable costs to administer the bill's provisions.

As amended on January 24, 2022, this bill would require a board to post the information on its online license search system, rather than on its internet website. It would also require the board to charge a fee of \$25 to cover the reasonable regulatory cost associated with administering this section and would provide that the board shall not charge a fee if there is no cost associated.

**Affected Laws:** An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** This bill would require the Board to make changes to the information posted in its online license search system regarding disciplinary actions taken. Specifically, if the Board had revoked a license based on a criminal conviction and if the Board received notification that an expungement order was granted pursuant to Penal Code section 1203.4, then the Board must do one of two things within 90 days of receiving the expungement order. The Board must either 1) post notification of the expungement order if the person reapplies for licensure or is relicensed; or,

2) remove the initial posting of the revocation and any other postings relating to the conviction if the person is not currently licensed and does not reapply for licensure.

The bill, as amended January 24, 2022, would require the Board to charge a fee of \$25 to the person to cover the reasonable regulatory cost to administer these provisions; it would prohibit the Board from charging the fee if there was no such associated cost. At its March 7, 2022, meeting, the Board took a position of “Watch” on AB 646, as amended January 24, 2022.

This bill, which is sponsored by the author, passed out of its house of origin before the deadline in January 2022. It is now in the Senate awaiting assignment to a policy committee.

**Staff Recommendation:** No action needed.

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 646**

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**Introduced by Assembly Members Low, Cunningham, and Gipson**  
(Coauthor: Senator Roth)

February 12, 2021

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An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its ~~internet website~~ *online license search system* that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on ~~the board's internet website~~; *its online license search system*. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its ~~internet website~~ *online license search system* that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill's ~~provisions~~; *provisions, unless there is no associated cost*. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 493.5 is added to the Business and  
2 Professions Code, to read:  
3 493.5. (a) A board within the department that has posted on  
4 its ~~internet website~~ *online license search system* that a person's  
5 license was revoked because the person was convicted of a crime,  
6 upon receiving from the person a certified copy of an expungement  
7 order granted pursuant to Section 1203.4 of the Penal Code for the  
8 underlying offense, shall, within 90 days of receiving the  
9 expungement order, unless it is otherwise prohibited by law, or by  
10 other terms or conditions, do either of the following:  
11 (1) If the person reapplies for licensure or has been relicensed,  
12 post notification of the expungement order and the date thereof on  
13 its ~~internet website~~; *online license search system*.  
14 (2) If the person is not currently licensed and does not reapply  
15 for licensure, remove the initial posting on its ~~internet website~~  
16 *online license search system* that the person's license was revoked

1 and information previously posted regarding arrests, charges, and  
2 convictions.

3 (b) ~~A~~(1) *Except as provided in paragraph (2), a board within*  
4 *the department may shall charge a fee of twenty-five dollars (\$25)*  
5 *to a person described in subdivision (a), not to exceed (a) to cover*  
6 *the reasonable regulatory cost of associated with administering*  
7 *this section. The*

8 (2) *A board shall not charge the fee if there is no cost associated*  
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*  
11 *The adoption, amendment, or repeal of a regulation authorized*  
12 *by this subdivision is hereby exempted from the rulemaking*  
13 *provisions of the Administrative Procedure Act (Chapter 3.5*  
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*  
17 *fund and shall be available only upon appropriation by the*  
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed  
20 in Section 101.

21 (d) If any provision in this section conflicts with Section 2027,  
22 Section 2027 shall prevail.

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**AB 1662 (Gipson, D-Gardena)**  
**Licensing boards: disqualification from licensure: criminal conviction.**

**Status/History:** 4/22/2022 – Set for first hearing on 4/5/2022; hearing canceled at the request of author. Set for hearing on 4/26/2022.

**Location:** 4/22/2022 – Committee on Business and Professions

**Introduced:** 1/18/2022

**Board Position:** Oppose Unless Amended (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law provides for the licensure and regulation of various professions by boards within the Department of Consumer Affairs and authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would allow a prospective applicant who has been convicted of a crime to submit a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require the board to determine if the prospective applicant would be disqualified from licensure based on the information submitted with the request and to advise the prospective applicant of the determination.

**Affected Laws:** An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** This bill would allow individuals who have been convicted of a crime to submit information regarding the conviction to the Board and request a determination as to whether or not the conviction would be grounds for denial of the license prior to the individual actually submitting an application for licensure and prior to paying any application fee. The bill would require the Board to determine if the individual may be denied licensure based on the information submitted and to notify the individual in writing of the determination.

At its March 7, 2022, meeting, the Board took a position of “Oppose Unless Amended” on AB 1662. The Board has concerns that the language in AB 1662 does not provide sufficient clarity that any preapplication determination by the Board about the effect a conviction may have on a person’s ability to obtain a license must necessarily be an initial, non-binding determination. The bill authorizes prospective applicants, before obtaining the education or experience required for licensure, to seek a determination from the Board regarding whether or not a conviction would disqualify them from licensure. However, the bill does not address what may happen if circumstances change between the time of the preapplication determination and the time when the application is actually submitted. A copy of the letter that was sent to the author detailing these concerns is included for reference.

**Staff Recommendation:** No action needed.

**ASSEMBLY BILL**

**No. 1662**

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**Introduced by Assembly Member Gipson**

January 18, 2022

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An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as introduced, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 480 of the Business and Professions Code  
2 is amended to read:

3 480. (a) Notwithstanding any ~~other~~ provision of this code, a  
4 board may deny a license regulated by this code on the grounds  
5 that the applicant has been convicted of a crime or has been subject  
6 to formal discipline only if either of the following conditions are  
7 met:

8 (1) The applicant has been convicted of a crime within the  
9 preceding seven years from the date of application that is  
10 substantially related to the qualifications, functions, or duties of  
11 the business or profession for which the application is made,  
12 regardless of whether the applicant was incarcerated for that crime,  
13 or the applicant has been convicted of a crime that is substantially  
14 related to the qualifications, functions, or duties of the business or  
15 profession for which the application is made and for which the  
16 applicant is presently incarcerated or for which the applicant was  
17 released from incarceration within the preceding seven years from  
18 the date of application. However, the preceding seven-year  
19 limitation shall not apply in either of the following situations:

20 (A) The applicant was convicted of a serious felony, as defined  
21 in Section 1192.7 of the Penal Code or a crime for which  
22 registration is required pursuant to paragraph (2) or (3) of  
23 subdivision (d) of Section 290 of the Penal Code.

24 (B) The applicant was convicted of a financial crime currently  
25 classified as a felony that is directly and adversely related to the  
26 fiduciary qualifications, functions, or duties of the business or  
27 profession for which the application is made, pursuant to  
28 regulations adopted by the board, and for which the applicant is  
29 seeking licensure under any of the following:

30 (i) Chapter 6 (commencing with Section 6500) of Division 3.

31 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

32 (iii) Chapter 11.3 (commencing with Section 7512) of Division  
33 3.

34 (iv) Licensure as a funeral director or cemetery manager under  
35 Chapter 12 (commencing with Section 7600) of Division 3.

36 (v) Division 4 (commencing with Section 10000).

37 (2) The applicant has been subjected to formal discipline by a  
38 licensing board in or outside California within the preceding seven



1 years from the date of application based on professional misconduct  
2 that would have been cause for discipline before the board for  
3 which the present application is made and that is substantially  
4 related to the qualifications, functions, or duties of the business or  
5 profession for which the present application is made. However,  
6 prior disciplinary action by a licensing board within the preceding  
7 seven years shall not be the basis for denial of a license if the basis  
8 for that disciplinary action was a conviction that has been dismissed  
9 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425  
10 of the Penal Code or a comparable dismissal or expungement.

11 (b) Notwithstanding any ~~other~~ provision of this code, a person  
12 shall not be denied a license on the basis that the person has been  
13 convicted of a crime, or on the basis of acts underlying a conviction  
14 for a crime, if that person has obtained a certificate of rehabilitation  
15 under Chapter 3.5 (commencing with Section 4852.01) of Title 6  
16 of Part 3 of the Penal Code, has been granted clemency or a pardon  
17 by a state or federal executive, or has made a showing of  
18 rehabilitation pursuant to Section 482.

19 (c) Notwithstanding any ~~other~~ provision of this code, a person  
20 shall not be denied a license on the basis of any conviction, or on  
21 the basis of the acts underlying the conviction, that has been  
22 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,  
23 or 1203.425 of the Penal Code, or a comparable dismissal or  
24 expungement. An applicant who has a conviction that has been  
25 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42  
26 of the Penal Code shall provide proof of the dismissal if it is not  
27 reflected on the report furnished by the Department of Justice.

28 (d) Notwithstanding any ~~other~~ provision of this code, a board  
29 shall not deny a license on the basis of an arrest that resulted in a  
30 disposition other than a conviction, including an arrest that resulted  
31 in an infraction, citation, or a juvenile adjudication.

32 (e) A board may deny a license regulated by this code on the  
33 ground that the applicant knowingly made a false statement of fact  
34 that is required to be revealed in the application for the license. A  
35 board shall not deny a license based solely on an applicant's failure  
36 to disclose a fact that would not have been cause for denial of the  
37 license had it been disclosed.

38 (f) A board shall follow the following procedures in requesting  
39 or acting on an applicant's criminal history information:

1 (1) A board issuing a license pursuant to Chapter 3 (commencing  
2 with Section 5500), Chapter 3.5 (commencing with Section 5615),  
3 Chapter 10 (commencing with Section 7301), Chapter 20  
4 (commencing with Section 9800), or Chapter 20.3 (commencing  
5 with Section 9880), of Division 3, or Chapter 3 (commencing with  
6 Section 19000) or Chapter 3.1 (commencing with Section 19225)  
7 of Division 8 may require applicants for licensure under those  
8 chapters to disclose criminal conviction history on an application  
9 for licensure.

10 (2) Except as provided in paragraph (1), a board shall not require  
11 an applicant for licensure to disclose any information or  
12 documentation regarding the applicant's criminal history. However,  
13 a board may request mitigating information from an applicant  
14 regarding the applicant's criminal history for purposes of  
15 determining substantial relation or demonstrating evidence of  
16 rehabilitation, provided that the applicant is informed that  
17 disclosure is voluntary and that the applicant's decision not to  
18 disclose any information shall not be a factor in a board's decision  
19 to grant or deny an application for licensure.

20 (3) If a board decides to deny an application for licensure based  
21 solely or in part on the applicant's conviction history, the board  
22 shall notify the applicant in writing of all of the following:

23 (A) The denial or disqualification of licensure.

24 (B) Any existing procedure the board has for the applicant to  
25 challenge the decision or to request reconsideration.

26 (C) That the applicant has the right to appeal the board's  
27 decision.

28 (D) The processes for the applicant to request a copy of the  
29 applicant's complete conviction history and question the accuracy  
30 or completeness of the record pursuant to Sections 11122 to 11127  
31 of the Penal Code.

32 (g) (1) *A prospective applicant that has been convicted of a*  
33 *crime may submit to a board, by mail or email, and at any time,*  
34 *including before obtaining any training or education required for*  
35 *licensure by that board or before paying any application fee, a*  
36 *request for a preapplication determination that includes*  
37 *information provided by the prospective applicant regarding their*  
38 *criminal conviction.*

39 (2) *Upon receiving a request submitted pursuant to paragraph*  
40 *(1), a board shall determine if the prospective applicant may be*

1 *disqualified from licensure by the board based on the information*  
2 *submitted with the request, and deliver the determination by mail*  
3 *or email to the prospective applicant within a reasonable time.*

4 ~~(g)~~

5 (h) (1) For a minimum of three years, each board under this  
6 code shall retain application forms and other documents submitted  
7 by an applicant, any notice provided to an applicant, all other  
8 communications received from and provided to an applicant, and  
9 criminal history reports of an applicant.

10 (2) Each board under this code shall retain the number of  
11 applications received for each license and the number of  
12 applications requiring inquiries regarding criminal history. In  
13 addition, each licensing authority shall retain all of the following  
14 information:

15 (A) The number of applicants with a criminal record who  
16 received notice of denial or disqualification of licensure.

17 (B) The number of applicants with a criminal record who  
18 provided evidence of mitigation or rehabilitation.

19 (C) The number of applicants with a criminal record who  
20 appealed any denial or disqualification of licensure.

21 (D) The final disposition and demographic information,  
22 consisting of voluntarily provided information on race or gender,  
23 of any applicant described in subparagraph (A), (B), or (C).

24 (3) (A) Each board under this code shall annually make  
25 available to the public through the board's internet website and  
26 through a report submitted to the appropriate policy committees  
27 of the Legislature deidentified information collected pursuant to  
28 this subdivision. Each board shall ensure confidentiality of the  
29 individual applicants.

30 (B) A report pursuant to subparagraph (A) shall be submitted  
31 in compliance with Section 9795 of the Government Code.

32 ~~(h)~~

33 (i) "Conviction" as used in this section shall have the same  
34 meaning as defined in Section 7.5.

35 ~~(i)~~

36 (j) This section does not in any way modify or otherwise affect  
37 the existing authority of the following entities in regard to  
38 licensure:

39 (1) The State Athletic Commission.

40 (2) The Bureau for Private Postsecondary Education.

- 1 (3) The California Horse Racing Board.
- 2 ~~(j) This section shall become operative on July 1, 2020.~~

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## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 16, 2022

The Honorable Mike A. Gipson  
 Member, California State Assembly  
 1021 O Street, Suite 8110  
 Sacramento, CA 95814

RE: Assembly Bill 1662 – Oppose Unless Amended

Dear Assemblymember Gipson:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) voted at its March 7, 2022, meeting to take a position of Oppose Unless Amended on Assembly Bill 1662.

The Board chose to take this position because it has concerns that the language in AB 1662 does not provide sufficient clarity that any preapplication determination by the Board about the effect a conviction may have on a person's ability to obtain a license must necessarily be an initial, non-binding determination. The bill authorizes prospective applicants, before obtaining the education or experience required for licensure, to seek a determination from the Board regarding whether or not a conviction would disqualify them from licensure. However, the bill does not address what may happen if circumstances change between the time of the preapplication determination and the time when the application is actually submitted.

Business and Professions Code (BPC) section 480(a)(1) specifies that the Board may consider only convictions that occurred within the preceding seven years prior to submittal of the application. BPC §493(b)(1)(B) requires the Board to consider the number of years that have elapsed since the date of the offense in determining whether the crime is substantially related to the qualifications, functions, and duties of the profession. BPC §482 requires the Board to develop a criteria for rehabilitation, which the Board has adopted in its regulations. This criteria requires the Board to consider as evidence of rehabilitation such things as the length of time that has elapsed since the commission of the crime(s), evidence of any subsequent crime(s), evidence of any expungement proceedings, and any other evidence of rehabilitation the person may choose to submit. If a prospective applicant submits a request for a preapplication determination prior to completing their education and experience, a minimum of six years will have elapsed before they have the required qualifications to apply for licensure. During that time, acts in aggravation or mitigation may occur that would cause the Board to change its determination about whether the person should be granted a license while giving due consideration to the protection of the health, safety, welfare, and property of the public.

While the Board understands the intent in helping people with convictions determine whether to continue on their chosen career path, the Board believes it is important to make it clear that any preapplication determination is non-binding and could change to the applicant's detriment or benefit over time. As such, the Board believes AB 1662 should be amended to make it clear that any preapplication determination is an initial, non-binding determination that may change at the time of application based on factors in aggravation or mitigation.

If you have any questions or wish to discuss this further, please contact me at 916-999-3580 or [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov).

Sincerely,

*Original Signed*

NANCY A. EISSLER  
 Assistant Executive Officer

The Honorable Marc Berman, Chair,  
 Assembly Committee on Business and Professions

**AB 1733 (Quirk, D-Hayward)**  
**State bodies: open meetings.**

**Status/History:** 4/20/2022 – Hearing postponed by the Assembly Committee on Governmental Organization.

**Location:** 4/22/2022 – Committee on Governmental Organization

**Introduced:** 1/31/2022

**Board Position:** Support (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting. The act provides that if the state body elects to conduct a meeting by teleconference, each teleconference location must be identified in the notice and agenda of the meeting and must be accessible to the public, and the agenda must provide an opportunity for members of the public to address the state body at each teleconference location.

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body. It would also authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting.

Under existing law (the Business and Professions Code), boards are required to meet at least two times each calendar year and at least once in northern California and once in southern California in order to facilitate participation by the public and its licensees. This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options. It would also declare that it is to take effect immediately as an urgency statute.

**Affected Laws:** An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal

Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

**Staff Comment:** This bill would allow the Board to continue meeting via teleconference without having to list all of the locations from where a Board member may attend the meeting. It would also require the Board to provide the public with both a physical location and a teleconference option where they can hear, observe, and address the Board.

This bill would facilitate opportunities for members of the public (consumers, applicants, licensees, and other interested parties) to attend meetings of the Board by providing for both a physical location and a teleconference option. It would also allow Board members to attend the meetings from a remote location via teleconference without that location having to be disclosed and open to the public.

At its March 7, 2022, meeting, the Board voted to take a position of “Support” on AB 1733. A copy of the support letter is included for reference.

AB 1733 was scheduled to be heard in the Assembly Committee on Governmental Organization on April 20, 2022. However, the hearing was postponed.

**Staff Recommendation:** No action needed.

**ASSEMBLY BILL**

**No. 1733**

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**Introduced by Assembly Member Quirk**

January 31, 2022

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An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference



location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

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

3 101.7. (a) Notwithstanding any other provision of law, boards  
4 shall meet at least two times each calendar year. Boards shall meet  
5 at least once each calendar year in northern California and once  
6 each calendar year in southern California in order to facilitate  
7 participation by the public and its ~~licensees~~. *licensees, unless the*  
8 *board’s meetings are held entirely by teleconference.*

9 (b) The director has discretion to exempt any board from the  
10 requirement in subdivision (a) upon a showing of good cause that  
11 the board is not able to meet at least two times in a calendar year.

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

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

21 (e) An agency that plans to webcast a meeting shall include in  
22 the meeting notice required pursuant to subdivision (a) of Section  
23 11125 of the Government Code a statement of the board’s intent  
24 to webcast the meeting. An agency may webcast a meeting even  
25 if the agency fails to include that statement of intent in the notice.

26 SEC. 2. Section 11122.5 of the Government Code is amended  
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any  
2 congregation of a majority of the members of a state body at the  
3 same time and ~~place~~ *place, including one held entirely by*  
4 *teleconference*, to hear, discuss, or deliberate upon any item that  
5 is within the subject matter jurisdiction of the state body to which  
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,  
8 outside of a meeting authorized by this chapter, use a series of  
9 communications of any kind, directly or through intermediaries,  
10 to discuss, deliberate, or take action on any item of business that  
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee  
13 or official of a state agency from engaging in separate  
14 conversations or communications outside of a meeting authorized  
15 by this chapter with members of a legislative body in order to  
16 answer questions or provide information regarding a matter that  
17 is within the subject matter jurisdiction of the state agency, if that  
18 person does not communicate to members of the legislative body  
19 the comments or position of any other member or members of the  
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the  
22 following:

23 (1) Individual contacts or conversations between a member of  
24 a state body and any other person that do not violate subdivision  
25 (b).

26 (2) (A) The attendance of a majority of the members of a state  
27 body at a conference or similar gathering open to the public that  
28 involves a discussion of issues of general interest to the public or  
29 to public agencies of the type represented by the state body, if a  
30 majority of the members do not discuss among themselves, other  
31 than as part of the scheduled program, business of a specified  
32 nature that is within the subject matter jurisdiction of the state  
33 body.

34 (B) Subparagraph (A) does not allow members of the public  
35 free admission to a conference or similar gathering at which the  
36 organizers have required other participants or registrants to pay  
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body  
39 at an open and publicized meeting organized to address a topic of  
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,  
2 other than as part of the scheduled program, business of a specific  
3 nature that is within the subject matter jurisdiction of the state  
4 body.

5 (4) The attendance of a majority of the members of a state body  
6 at an open and noticed meeting of another state body or of a  
7 legislative body of a local agency as defined by Section 54951, if  
8 a majority of the members do not discuss among themselves, other  
9 than as part of the scheduled meeting, business of a specific nature  
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body  
12 at a purely social or ceremonial occasion, if a majority of the  
13 members do not discuss among themselves business of a specific  
14 nature that is within the subject matter jurisdiction of the state  
15 body.

16 (6) The attendance of a majority of the members of a state body  
17 at an open and noticed meeting of a standing committee of that  
18 body, if the members of the state body who are not members of  
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended  
21 to read:

22 11123. (a) All meetings of a state body shall be open and  
23 public and all persons shall be permitted to attend any meeting of  
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~  
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for  
27 the benefit of the public and state ~~body.~~ *body, and allows for use*  
28 *of teleconference in closed sessions.* The meeting or proceeding  
29 held by teleconference shall otherwise comply with all applicable  
30 requirements or laws relating to a specific type of meeting or  
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing teleconferenced~~ meeting shall comply  
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required  
35 to be open to the public *at any physical location specified in the*  
36 *notice of the meeting* shall be *visible and* audible to the public at  
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~  
39 ~~proceeding by teleconference, it shall post agendas at all~~  
40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the  
2 public appearing before the state body. *The state body shall provide*  
3 *a means by which the public may remotely hear audio of the*  
4 *meeting or remotely hear and observe the meeting, and a means*  
5 *by which the public may remotely address the state body, as*  
6 *appropriate, via either a two-way audio-visual platform or a*  
7 *two-way telephonic service. Should the state body elect to use a*  
8 *two-way telephonic service only, it must also provide live*  
9 *webcasting of the open meeting. The applicable teleconference*  
10 *phone number or internet website, or other information indicating*  
11 *how the public can access the meeting remotely, shall be specified*  
12 *in any notice required by this article. Each teleconference location*  
13 *shall be identified in the notice and agenda of the meeting or*  
14 *proceeding, and each teleconference location shall be accessible*  
15 *to the public. The agenda shall provide an opportunity for members*  
16 *of the public to remotely address the state body directly pursuant*  
17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*  
19 *physical location at which the public may hear, observe, and*  
20 *address the state body. Each physical location shall be identified*  
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*  
23 *right to directly address the state body during the teleconferenced*  
24 *meeting without being required to submit public comments prior*  
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*  
28 *a meeting. The members of the state body may also be physically*  
29 *present and participate at a designated physical meeting location,*  
30 *but no member of the state body shall be required to be physically*  
31 *present at any physical meeting location designated in the notice*  
32 *of the meeting in order to be deemed present at the meeting. All*  
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*  
35 *to the public may not include the consideration of any agenda item*  
36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*  
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*  
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,  
2 including Section 11125, requiring the state body post an agenda  
3 of a meeting at least 10 days in advance of the meeting, Section  
4 11125.4, applicable to special meetings, and Sections 11125.5 and  
5 11125.6, applicable to emergency meetings. The state body shall  
6 post the agenda on its internet website and, on the day of the  
7 meeting, at any physical meeting location designated in the notice  
8 of the meeting. The notice and agenda shall not disclose  
9 information regarding any remote location from which a member  
10 is participating.

11 (H) Upon discovering that a means of remote participation  
12 required by this section has failed during a meeting and cannot  
13 be restored, the state body shall end or adjourn the meeting in  
14 accordance with Section 11128.5. In addition to any other  
15 requirements that may apply, the state body shall provide notice  
16 of the meeting's end or adjournment on the state body's internet  
17 website and by email to any person who has requested notice of  
18 meetings of the state body by email under this article. If the meeting  
19 will be adjourned and reconvened on the same day, further notice  
20 shall be provided by an automated message on a telephone line  
21 posted on the state body's agenda, internet website, or by a similar  
22 means, that will communicate when the state body intends to  
23 reconvene the meeting and how a member of the public may hear  
24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, "~~teleconference~~" all of  
26 the following definitions shall apply:

27 (A) "~~Teleconference~~" means a meeting of a state ~~body, the~~  
28 ~~members of which are at different locations, connected~~ body that  
29 provides for a connection by electronic means, including by  
30 telephone, an internet website, or other online platform, through  
31 ~~either audio or both audio and video~~. This section does not prohibit  
32 a state body from providing members of the public with additional  
33 physical locations in which the public may observe ~~or~~ and address  
34 the state body by electronic means, through either audio or both  
35 audio and video.

36 (B) "Remote location" means a location from which a member  
37 of a state body participates in a meeting other than any physical  
38 meeting location designated in the notice of the meeting. Remote  
39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting  
2 by teleconference at a location other than any physical meeting  
3 location designated in the notice of the meeting. Watching or  
4 listening to a meeting via webcasting or another similar electronic  
5 medium that does not permit members to interactively hear,  
6 discuss, or deliberate on matters, does not constitute participation  
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform  
9 that provides participants with the ability to participate in a  
10 meeting via both an interactive video conference and a two-way  
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service  
13 that does not require internet access, is not provided as part of a  
14 two-way audio-visual platform, and allows participants to dial a  
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online  
17 or on television, using streaming media technology to distribute  
18 a single content source to many simultaneous listeners and viewers.  
19 This section does not prohibit a state body from providing members  
20 of the public with additional physical locations in which the public  
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the  
23 vote or abstention on that action of each member present for the  
24 action.

25 (d) A state body that is organized within the Department of  
26 Consumer Affairs and meets at least two times each calendar year  
27 shall be deemed to have met the requirements of subdivision (a)  
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the  
30 ability to encourage full participation by appointees with  
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by  
33 teleconference from a remote location, the member shall disclose  
34 whether any other individuals 18 years of age or older are present  
35 in the room at the remote location with the member, and the  
36 general nature of the member’s relationship with any such  
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~  
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~



1 any state body that is an advisory board, advisory commission,  
2 advisory committee, advisory subcommittee, or similar  
3 multimember advisory body may hold an open meeting by  
4 teleconference as described in this section, provided the meeting  
5 complies with all of the section's requirements and, except as set  
6 forth in this section, it also complies with all other applicable  
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)  
9 who participates in a teleconference meeting from a remote location  
10 subject to this section's requirements shall be listed in the minutes  
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24  
13 hours before the meeting that identifies any member who will  
14 participate remotely by posting the notice on its Internet Web site  
15 and by emailing notice to any person who has requested notice of  
16 meetings of the state body under this article. The location of a  
17 member of a state body who will participate remotely is not  
18 required to be disclosed in the public notice or email and need not  
19 be accessible to the public. The notice of the meeting shall also  
20 identify the primary physical meeting location designated pursuant  
21 to subdivision (c).

22 (d) This section does not affect the requirement prescribed by  
23 this article that the state body post an agenda of a meeting at least  
24 10 days in advance of the meeting. The agenda shall include  
25 information regarding the physical meeting location designated  
26 pursuant to subdivision (c), but is not required to disclose  
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the  
29 primary physical meeting location in the notice of the meeting  
30 where members of the public may physically attend the meeting  
31 and participate. A quorum of the members of the state body shall  
32 be in attendance at the primary physical meeting location, and  
33 members of the state body participating remotely shall not count  
34 towards establishing a quorum. All decisions taken during a  
35 meeting by teleconference shall be by rollcall vote. The state body  
36 shall post the agenda at the primary physical meeting location, but  
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)  
39 participates remotely in a meeting subject to this section's  
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe  
2 the meeting, including, if available, equal access equivalent to  
3 members of the state body participating remotely. The applicable  
4 teleconference phone number or Internet Web site, or other  
5 information indicating how the public can access the meeting  
6 remotely, shall be in the 24-hour notice described in subdivision  
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required  
9 by subdivision (f) has failed during a meeting, the state body  
10 described in subdivision (a) shall end or adjourn the meeting in  
11 accordance with Section 11128.5. In addition to any other  
12 requirements that may apply, the state body shall provide notice  
13 of the meeting's end or adjournment on its Internet Web site and  
14 by email to any person who has requested notice of meetings of  
15 the state body under this article. If the meeting will be adjourned  
16 and reconvened on the same day, further notice shall be provided  
17 by an automated message on a telephone line posted on the state  
18 body's agenda, or by a similar means, that will communicate when  
19 the state body intends to reconvene the meeting and how a member  
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at  
23 a location other than the physical location designated in the agenda  
24 of the meeting.

25 (2) "Remote location" means a location other than the primary  
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body  
29 to hold a teleconference meeting under another provision of this  
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended  
32 to read:

33 11124. (a) No person shall be required, as a condition to  
34 attendance at a meeting of a state body, to register his or her *the*  
35 *person's* name, to provide other information, to complete a  
36 questionnaire, or otherwise to fulfill any condition precedent to  
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar  
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to  
2 persons present during the meeting, it shall state clearly that the  
3 signing, registering, or completion of the document is voluntary,  
4 and that all persons may attend the meeting regardless of whether  
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*  
7 *online platform that may require identification to log into a*  
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended  
10 to read:

11 11125. (a) The state body shall provide notice of its meeting  
12 to any person who requests that notice in writing. Notice shall be  
13 given and also made available on the ~~Internet~~ *state body's internet*  
14 *website* at least 10 days in advance of the meeting, and shall include  
15 the name, address, and telephone number of any person who can  
16 provide further information prior to the meeting, but need not  
17 include a list of witnesses expected to appear at the meeting. The  
18 written notice shall additionally include the address of the ~~Internet~~  
19 *site internet website* where notices required by this article are made  
20 available. *The notice shall specify the means by which a meeting*  
21 *may be accessed by teleconference in accordance with the*  
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
23 *(b) of Section 11123, including sufficient information necessary*  
24 *to access the teleconference. The notice shall also specify any*  
25 *designated physical meeting location at which the public may*  
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall  
28 include a specific agenda for the meeting, containing a brief  
29 description of the items of business to be transacted or discussed  
30 in either open or closed session. A brief general description of an  
31 item generally need not exceed 20 words. A description of an item  
32 to be transacted or discussed in closed session shall include a  
33 citation of the specific statutory authority under which a closed  
34 session is being held. No item shall be added to the agenda  
35 subsequent to the provision of this notice, unless otherwise  
36 permitted by this article.

37 ~~(c) Notice of a meeting of a state body that complies with this~~  
38 ~~section shall also constitute notice of a meeting of an advisory~~  
39 ~~body of that state body, provided that the business to be discussed~~  
40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~  
2 ~~advisory body's meeting is announced during the open and public~~  
3 ~~state body's meeting, and provided that the advisory body's~~  
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~  
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant  
8 to subdivision (a) for all meetings of a state body or for a specific  
9 meeting or meetings. In addition, at the state body's discretion, a  
10 person may request, and may be provided, notice of only those  
11 meetings of a state body at which a particular subject or subjects  
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state  
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative  
18 formats, as required by Section 202 of the Americans with  
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
20 rules and regulations adopted in implementation thereof, upon  
21 request by any person with a disability. The notice shall include  
22 information regarding how, to whom, and by when a request for  
23 any disability-related modification or accommodation, including  
24 auxiliary aids or services may be made by a person with a disability  
25 who requires these aids or services in order to participate in the  
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*  
28 *consistent with applicable state and federal civil rights laws,*  
29 *including, but not limited to, any applicable language access and*  
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended  
32 to read:

33 11125.4. (a) A special meeting may be called at any time by  
34 the presiding officer of the state body or by a majority of the  
35 members of the state body. A special meeting may only be called  
36 for one of the following purposes when compliance with the 10-day  
37 notice provisions of Section 11125 would impose a substantial  
38 hardship on the state body or when immediate action is required  
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in  
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or  
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real  
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant  
11 to Division 31 (commencing with Section 50000) of the Health  
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit  
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body  
16 upon the death, incapacity, or vacancy in the office of the executive  
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*  
19 *required to be conducted pursuant to Chapter 5 (commencing with*  
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the  
22 purposes specified in subdivision (a), the state body shall provide  
23 notice of the special meeting to each member of the state body and  
24 to all parties that have requested notice of its meetings as soon as  
25 is practicable after the decision to call a special meeting has been  
26 made, but shall deliver the notice in a manner that allows it to be  
27 received by the members and by newspapers of general circulation  
28 and radio or television stations at least 48 hours before the time  
29 of the special meeting specified in the notice. Notice shall be made  
30 available to newspapers of general circulation and radio or  
31 television stations by providing that notice to all national press  
32 wire services. Notice shall also be made available on the Internet  
33 within the time periods required by this section. The notice shall  
34 specify the time and place of the special meeting and the business  
35 to be transacted. The written notice shall additionally specify the  
36 address of the ~~Internet Web site~~ *internet website* where notices  
37 required by this article are made available. No other business shall  
38 be considered at a special meeting by the state body. The written  
39 notice may be dispensed with as to any member who at or prior  
40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be  
2 given by telegram, facsimile transmission, or similar means. The  
3 written notice may also be dispensed with as to any member who  
4 is actually present at the meeting at the time it convenes. Notice  
5 shall be required pursuant to this section regardless of whether any  
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body  
8 must make a finding in open session that the delay necessitated  
9 by providing notice 10 days prior to a meeting as required by  
10 Section 11125 would cause a substantial hardship on the body or  
11 that immediate action is required to protect the public interest. The  
12 finding shall set forth the specific facts that constitute the hardship  
13 to the body or the impending harm to the public interest. The  
14 finding shall be adopted by a two-thirds vote of the body, or, if  
15 less than two-thirds of the members are present, a unanimous vote  
16 of those members present. The finding shall be made available on  
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the  
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended  
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned  
22 regular, special, or adjourned special meeting to a time and ~~place~~  
23 *place, including by teleconference*, specified in the order of  
24 adjournment. Less than a quorum may so adjourn from time to  
25 time. If all members are absent from any regular or adjourned  
26 regular meeting, the clerk or secretary of the state body may declare  
27 the meeting adjourned to a stated time and ~~place~~ *place, including*  
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall  
29 cause a written notice of the adjournment to be given in the same  
30 manner as provided in Section 11125.4 for special meetings, unless  
31 that notice is waived as provided for special meetings. A copy of  
32 the order or notice of adjournment shall be conspicuously posted  
33 *on the state body's internet website, and if applicable*, on or near  
34 the door of the place where the regular, adjourned regular, special,  
35 or adjourned special meeting was held within 24 hours after the  
36 time of the adjournment. When a regular or adjourned regular  
37 meeting is adjourned as provided in this section, the resulting  
38 adjourned regular meeting is a regular meeting for all purposes.  
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held  
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended  
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be  
6 held by a state body at any meeting may by order or notice of  
7 continuance be continued or recontinued to any subsequent meeting  
8 of the state body in the same manner and to the same extent set  
9 forth in Section 11128.5 for the adjournment of meetings. A copy  
10 of the order or notice of continuance shall be conspicuously posted  
11 *on the state body's internet website, and if applicable*, on or near  
12 the door of the place where the hearing was held within 24 hours  
13 after the time of the continuance; provided, that if the hearing is  
14 continued to a time less than 24 hours after the time specified in  
15 the order or notice of hearing, a copy of the order or notice of  
16 continuance of hearing shall be posted immediately following the  
17 meeting at which the order or declaration of continuance was  
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act  
20 to improve and enhance public access to state and local agency  
21 meetings by allowing broader access through teleconferencing  
22 options consistent with the Governor's Executive Order No.  
23 N-29-20 dated March 17, 2020, and related executive orders,  
24 permitting expanded use of teleconferencing during the COVID-19  
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the California Constitution and shall  
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government  
31 participation by the public, and increase transparency in state  
32 government operations during the COVID-19 pandemic, it is  
33 necessary that this act take effect immediately.

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## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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April 5, 2022

The Honorable Miguel Santiago  
Chair, Assembly Committee on Governmental Organization  
1020 N Street, Room 360A  
Sacramento, CA 95814

RE: Assembly Bill 1733 – **SUPPORT**

Dear Chairman Santiago:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **SUPPORT** Assembly Bill 1733 (Quirk).

The Board supports the stated intent of this bill to amend the Bagley-Keene Open Meeting Act to improve and enhance public access to state agency meetings by allowing broader access through teleconferencing options. This bill would facilitate opportunities for members of the public, such as consumers, applicants, licensees, and other interested parties, to attend meetings of the Board by providing for both a physical location and a teleconference option. It would also allow Board members to attend the meetings from a remote location via teleconference without that location having to be disclosed and open to the public.

If you have any questions or wish to discuss this further, please contact me at 916-999-3580 or [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov).

Sincerely,

*Original Signed*

NANCY A. EISSLER  
Assistant Executive Officer

cc The Honorable Bill Quirk, Ph.D.,  
Member, California State Assembly  
The Honorable Marc Berman, Chair,  
Assembly Committee on Business and Professions



**AB 1795 (V. Fong, R-Bakersfield)**  
**Open meetings: remote participation.**

**Status/History:** 2/18/2022 – Referred to the Assembly Committee on Governmental Organization.

**Location:** 4/22/2022 – Committee on Governmental Organization

**Introduced:** 2/7/2022

**Board Position:** Watch (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

**Affected Laws:** An act to amend Sections 11123 and 11125.7, of the Government Code, relating to boards and commissions.

**Staff Comment:** This bill would require the Board to allow members of the public to attend meetings both in person and through “remote participation.” For purposes of this requirement, “remote participation” is defined as “participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.” Unlike SB 1733, this bill would not amend the law to allow Board members to attend meetings from remote locations unless those locations were included on the meeting notice and open and accessible to the public.

At its March 7, 2022, meeting, the Board took a position of “Watch” on AB 1795.

**Staff Recommendation:** No action needed.

**ASSEMBLY BILL**

**No. 1795**

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**Introduced by Assembly Member Fong**

February 7, 2022

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An act to amend Sections 11123 and 11125.7 of the Government Code, relating to boards and commissions.

LEGISLATIVE COUNSEL’S DIGEST

AB 1795, as introduced, Fong. Open meetings: remote participation.

Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11123 of the Government Code is
- 2 amended to read:
- 3 11123. (a) All meetings of a state body shall be open and
- 4 public and all persons shall be permitted to attend any meeting of
- 5 a state~~body~~ body, *including by both in-person and remote*
- 6 *participation*, except as otherwise provided in this article. *For*
- 7 *purposes of this subdivision, “remote participation” means*
- 8 *participation in a meeting at a location other than the physical*

1 *location designated in the agenda of the meeting via electronic*  
2 *communication.*

3 (b) (1) This article does not prohibit a state body from holding  
4 an open or closed meeting by teleconference for the benefit of the  
5 public and state body. The meeting or proceeding held by  
6 teleconference shall otherwise comply with all applicable  
7 requirements or laws relating to a specific type of meeting or  
8 proceeding, including the following:

9 (A) The teleconferencing meeting shall comply with all  
10 requirements of this article applicable to other meetings.

11 (B) The portion of the teleconferenced meeting that is required  
12 to be open to the public shall be audible to the public at the location  
13 specified in the notice of the meeting.

14 (C) If the state body elects to conduct a meeting or proceeding  
15 by teleconference, it shall post agendas at all teleconference  
16 locations and conduct teleconference meetings in a manner that  
17 protects the rights of any party or member of the public appearing  
18 before the state body. Each teleconference location shall be  
19 identified in the notice and agenda of the meeting or proceeding,  
20 and each teleconference location shall be accessible to the public.  
21 The agenda shall provide an opportunity for members of the public  
22 to address the state body directly pursuant to Section 11125.7 at  
23 each teleconference location.

24 (D) All votes taken during a teleconferenced meeting shall be  
25 by rollcall.

26 (E) The portion of the teleconferenced meeting that is closed  
27 to the public may not include the consideration of any agenda item  
28 being heard pursuant to Section 11125.5.

29 (F) At least one member of the state body shall be physically  
30 present at the location specified in the notice of the meeting.

31 (2) For the purposes of this subdivision, “teleconference” means  
32 a meeting of a state body, the members of which are at different  
33 locations, connected by electronic means, through either audio or  
34 both audio and video. This section does not prohibit a state body  
35 from providing members of the public with additional locations  
36 in which the public may observe or address the state body by  
37 electronic means, through either audio or both audio and video.

38 (c) The state body shall publicly report any action taken and the  
39 vote or abstention on that action of each member present for the  
40 action.

1 SEC. 2. Section 11125.7 of the Government Code is amended  
2 to read:

3 11125.7. (a) Except as otherwise provided in this section, the  
4 state body shall provide an opportunity for members of the public  
5 to directly address the state ~~body~~ *body, including by both in-person*  
6 *and remote participation*, on each agenda item before or during  
7 the state body's discussion or consideration of the item. This  
8 section is not applicable if the agenda item has already been  
9 considered by a committee composed exclusively of members of  
10 the state body at a public meeting where interested members of  
11 the public were afforded the opportunity to address the committee  
12 on the item, before or during the committee's consideration of the  
13 item, unless the item has been substantially changed since the  
14 committee heard the item, as determined by the state body. Every  
15 notice for a special meeting at which action is proposed to be taken  
16 on an item shall provide an opportunity for members of the public  
17 to directly address the state body concerning that item prior to  
18 action on the item. In addition, the notice requirement of Section  
19 11125 shall not preclude the acceptance of testimony at meetings,  
20 other than emergency meetings, from members of the public if no  
21 action is taken by the state body at the same meeting on matters  
22 brought before the body by members of the public. *For purposes*  
23 *of this subdivision, "remote participation" means participation*  
24 *in a meeting at a location other than the physical location*  
25 *designated in the agenda of the meeting via electronic*  
26 *communication.*

27 (b) The state body may adopt reasonable regulations to ensure  
28 that the intent of subdivision (a) is carried out, including, but not  
29 limited to, regulations limiting the total amount of time allocated  
30 for public comment on particular issues and for each individual  
31 speaker.

32 (c) (1) Notwithstanding subdivision (b), when a state body  
33 limits time for public comment the state body shall provide at least  
34 twice the allotted time to a member of the public who utilizes a  
35 translator or other translating technology to ensure that non-English  
36 speakers receive the same opportunity to directly address the state  
37 body.

38 (2) Paragraph (1) shall not apply if the state body utilizes  
39 simultaneous translation equipment in a manner that allows the  
40 state body to hear the translated public testimony simultaneously.

1 (d) The state body shall not prohibit public criticism of the  
2 policies, programs, or services of the state body, or of the acts or  
3 omissions of the state body. Nothing in this subdivision shall confer  
4 any privilege or protection for expression beyond that otherwise  
5 provided by law.

6 (e) This section is not applicable to any of the following:

7 (1) Closed sessions held pursuant to Section 11126.

8 (2) Decisions regarding proceedings held pursuant to Chapter  
9 5 (commencing with Section 11500), relating to administrative  
10 adjudication, or to the conduct of those proceedings.

11 (3) Hearings conducted by the California Victim Compensation  
12 Board pursuant to ~~Sections 13963 and 13963.1~~. *Section 13959*.

13 (4) Agenda items that involve decisions of the Public Utilities  
14 Commission regarding adjudicatory hearings held pursuant to  
15 Chapter 9 (commencing with Section 1701) of Part 1 of Division  
16 1 of the Public Utilities Code. For all other agenda items, the  
17 commission shall provide members of the public, other than those  
18 who have already participated in the proceedings underlying the  
19 agenda item, an opportunity to directly address the commission  
20 before or during the commission's consideration of the item.

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**SB 1120 (Jones, R-El Cajon)**  
**Engineering, land surveying, and geology.**

**Status/History:** 4/20/2022 – From Senate Committee on Judiciary: Do pass and re-refer to Committee on Appropriations with recommendation to consent calendar. Re-referred to Committee on Appropriations; set for hearing on 5/2/2022.

**Location:** 4/22/2022 – Committee on Appropriations

**Introduced:** 2/16/2022

**Amended:** 3/15/2022

**Board Position:** Support, as amended 3/2/2022

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** As amended March 2 and 15, 2022:

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. This bill would require an applicant for certification or licensure with a valid email address to report their email address to the Board at the time of application, require a license or certificate holder with a valid email address to report their email address at the time of renewal, and require applicants and licensees to notify the Board of any change to an email address, as specified. The bill would, in the interest of protecting the privacy of applicants and licensees, prohibit from disclosure all email addresses provided by applicants or licensees.

Existing law (the Professional Engineers Act) requires the Board, within 60 to 90 days before the expiration of a certificate of registration or certificate of authority, to mail notice of the pending expiration to a registrant or authority holder, as specified. This bill would repeal that provision.

Existing law also provides that the Professional Engineers Act and the Professional Land Surveyors' Act do not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering or land surveying, respectively, from employing or contracting with an appropriately licensed individual to perform the respective engineering or land surveying services incidental to the conduct of business. This bill would delete that provision and would make conforming changes.

Existing law (the Public Resources Code) prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the "California Coordinate System of 1983." This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the "California Coordinate System of 2022," as provided, and make other conforming changes.

**Affected Laws:** An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

**Staff Comment:** Senator Brian Jones agreed to carry the Board’s legislative proposals relating to requiring applicants and licensees to provide the Board with an email address (if they have one) and engineering and land surveying businesses.

The other language in this bill would update the Public Resources Code to include references to the “California Coordinate System of 2022.” This portion is sponsored by the California Land Surveyors Association (CLSA). These proposed changes do not impact the Board or its operations.

At its March 7, 2022, meeting, the Board took a position of “Support” on SB 1120, as amended March 2, 2022.

SB 1120 was amended on March 15, 2022, to remove a provision that would have authorized the Board to require applicants and licensees to confirm the filed email address was current, as the Board deemed necessary. It was determined that this provision was not necessary and could be viewed as requiring the Board to audit the email addresses, thus creating a potential workload issue.

This bill passed both the Senate Committee on Business, Professions and Economic Development and the Senate Judiciary Committee on consent. It has been referred to the Senate Appropriations Committee with the recommendation that it be considered on the consent calendar.

**Staff Recommendation:** Staff recommends the Board take a position of “Support” on SB 1120, as amended March 15, 2022.

AMENDED IN SENATE MARCH 15, 2022

AMENDED IN SENATE MARCH 2, 2022

**SENATE BILL**

**No. 1120**

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**Introduced by Senator Jones**

February 16, 2022

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An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and to amend Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as amended, Jones. Engineering, land surveying, and geology.

(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law makes any violation of those acts a misdemeanor.

This bill would require an applicant for licensure as an engineer, land surveyor, ~~or geologist~~ *geologist*, or geophysicist, or an applicant for certification as an engineer-, land surveyor-, or geologist-in-training, with a valid email address to report their email address to the board at the time of application, require a license or certificate holder to report their email address at the time of renewal, and require applicants and ~~licensees~~ *certificate or license holders* to notify the board of any change to an email address, as specified. ~~The bill would authorize the board to~~



~~require applicants and licensees to confirm that the filed email address is current, as the board deems necessary. The bill would, bill, in the interest of protecting the privacy of applicants and licensees, certificate or license holders, would prohibit from the public disclosure all email addresses provided by applicants or licensees. of their email addresses pursuant to specified law, except as provided.~~

By expanding the application of a crime under the Professional Engineers Act, the Professional Land Surveyors' Act, and the Geologist and Geophysicist Act, the bill would impose a state-mandated local program.

(2) Existing law requires the board, within 60 to 90 days before the expiration of a certificate of registration or certificate of authority, to mail notice of the pending expiration to a registrant or authority holder, as specified.

This bill would repeal that provision.

(3) Existing law also provides that the Professional Engineers Act and the Professional Land Surveyors' Act do not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering or land surveying, respectively, from employing or contracting with an appropriately licensed individual to perform the respective engineering or land surveying services incidental to the conduct of business.

This bill would delete that provision and would make conforming changes.

(4) Existing law prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the "California Coordinate System of 1983."

This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the "California Coordinate System of 2022," as provided.

(5) Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified.

This bill would, starting January 1, 2023, instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive changes.

(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.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6738 of the Business and Professions  
2 Code, as amended by Section 1 of Chapter 150 of the Statutes of  
3 2018, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,  
5 electrical, or mechanical engineers from practicing or offering to  
6 practice, within the scope of their license, civil (including  
7 geotechnical and structural), electrical, or mechanical engineering  
8 as a sole proprietorship, partnership, limited liability partnership,  
9 firm, or corporation (hereinafter called business), if all of the  
10 following requirements are met:

11 (1) A civil, electrical, or mechanical engineer currently licensed  
12 in this state is an owner, partner, or officer in charge of the  
13 engineering practice of the business.

14 (2) All civil, electrical, or mechanical engineering services are  
15 performed by, or under the responsible charge of, a professional  
16 engineer licensed in the appropriate branch of professional  
17 engineering.

18 (3) If the business name of a California engineering business  
19 contains the name of any person, then that person shall be licensed

1 as a professional engineer, a licensed land surveyor, a licensed  
2 architect, or a geologist registered under the Geologist and  
3 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).  
4 Any offer, promotion, or advertisement by the business that  
5 contains the name of any individual in the business, other than by  
6 use of the name of an individual in the business name, shall clearly  
7 and specifically designate the license or registration discipline of  
8 each individual named.

9 (b) An out-of-state business with a branch office in this state  
10 shall meet the requirements of subdivision (a) and shall have an  
11 owner, partner, or officer who is in charge of the engineering work  
12 in the branch in this state, who is licensed in this state, and who is  
13 physically present at the branch office in this state on a regular  
14 basis. However, the name of the business may contain the name  
15 of any person not licensed in this state if that person is  
16 appropriately registered or licensed in another state. Any offer,  
17 promotion, or advertisement that contains the name of any  
18 individual in the business, other than by use of the names of the  
19 individuals in the business name, shall clearly and specifically  
20 designate the license or registration discipline of each individual  
21 named.

22 (c) The business name of a California engineering business may  
23 be a fictitious name. However, if the fictitious name includes the  
24 name of any person, the requirements of paragraph (3) of  
25 subdivision (a) shall be met.

26 (d) A person not licensed under this chapter may also be a  
27 partner or an officer of a civil, electrical, or mechanical engineering  
28 business if the requirements of subdivision (a) are met. This section  
29 does not permit a person who is not licensed under this chapter to  
30 be the sole owner of a civil, electrical, or mechanical engineering  
31 business, unless otherwise exempt under this chapter.

32 (e) This section shall not prevent the use of the name of any  
33 business engaged in rendering civil, electrical, or mechanical  
34 engineering services, including the use by any lawful successor  
35 or survivor, that lawfully was in existence on December 31, 1987.  
36 However, the business is subject to paragraphs (1) and (2) of  
37 subdivision (a).

38 (f) A business engaged in rendering civil, electrical, or  
39 mechanical engineering services may use in its name the name of

1 a deceased or retired person provided all of the following  
2 conditions are satisfied:

3 (1) The person's name had been used in the name of the  
4 business, or a predecessor in interest of the business, before and  
5 after the death or retirement of the person.

6 (2) The person shall have been an owner, partner, or officer of  
7 the business, or an owner, partner, or officer of the predecessor in  
8 interest of the business.

9 (3) The person shall have been licensed as a professional  
10 engineer, or a land surveyor, or an architect, or a geologist, (A) by  
11 the appropriate licensing board if that person is operating a place  
12 of business or practice in this state, or (B) by the applicable state  
13 board if no place of business existed in this state.

14 (4) The person, if retired, has consented to the use of the name  
15 and does not permit the use of the name in the title of another  
16 professional engineering business in this state during the period  
17 of the consent. However, the retired person may use their name as  
18 the name of a new or purchased business if it is not identical in  
19 every respect to that person's name as used in the former business.

20 (5) The business shall be subject to the provisions of paragraphs  
21 (1) and (2) of subdivision (a).

22 (g) This section does not affect the provisions of Sections 6731.2  
23 and 8726.1.

24 (h) A current organization record form shall be filed with the  
25 board for all businesses engaged in rendering civil, electrical, or  
26 mechanical engineering services.

27 (i) This section shall remain in effect only until January 1, 2026,  
28 and as of that date is repealed.

29 SEC. 2. Section 6738 of the Business and Professions Code,  
30 as amended by Section 2 of Chapter 150 of the Statutes of 2018,  
31 is amended to read:

32 6738. (a) This chapter does not prohibit one or more civil,  
33 electrical, or mechanical engineers from practicing or offering to  
34 practice within the scope of their license civil (including  
35 geotechnical and structural), electrical, or mechanical engineering  
36 as a sole proprietorship, partnership, firm, or corporation  
37 (hereinafter called business), if all of the following requirements  
38 are met:

1 (1) A civil, electrical, or mechanical engineer currently licensed  
2 in this state is an owner, partner, or officer in charge of the  
3 engineering practice of the business.

4 (2) All civil, electrical, or mechanical engineering services are  
5 performed by, or under the responsible charge of, a professional  
6 engineer licensed in the appropriate branch of professional  
7 engineering.

8 (3) If the business name of a California engineering business  
9 contains the name of any person, then that person shall be licensed  
10 as a professional engineer, a licensed land surveyor, a licensed  
11 architect, or a geologist registered under the Geologist and  
12 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).  
13 Any offer, promotion, or advertisement by the business that  
14 contains the name of any individual in the business, other than by  
15 use of the name of an individual in the business name, shall clearly  
16 and specifically designate the license or registration discipline of  
17 each individual named.

18 (b) An out-of-state business with a branch office in this state  
19 shall meet the requirements of subdivision (a) and shall have an  
20 owner, partner, or officer who is in charge of the engineering work  
21 in the branch in this state, who is licensed in this state, and who is  
22 physically present at the branch office in this state on a regular  
23 basis. However, the name of the business may contain the name  
24 of any person not licensed in this state if that person is  
25 appropriately registered or licensed in another state. Any offer,  
26 promotion, or advertisement that contains the name of any  
27 individual in the business, other than by use of the names of the  
28 individuals in the business name, shall clearly and specifically  
29 designate the license or registration discipline of each individual  
30 named.

31 (c) The business name of a California engineering business may  
32 be a fictitious name. However, if the fictitious name includes the  
33 name of any person, the requirements of paragraph (3) of  
34 subdivision (a) shall be met.

35 (d) A person not licensed under this chapter may also be a  
36 partner or an officer of a civil, electrical, or mechanical engineering  
37 business if the requirements of subdivision (a) are met. This section  
38 does not permit a person who is not licensed under this chapter to  
39 be the sole owner of a civil, electrical, or mechanical engineering  
40 business, unless otherwise exempt under this chapter.

1 (e) This section shall not prevent the use of the name of any  
2 business engaged in rendering civil, electrical, or mechanical  
3 engineering services, including the use by any lawful successor  
4 or survivor, that lawfully was in existence on December 31, 1987.  
5 However, the business is subject to paragraphs (1) and (2) of  
6 subdivision (a).

7 (f) A business engaged in rendering civil, electrical, or  
8 mechanical engineering services may use in its name the name of  
9 a deceased or retired person provided all of the following  
10 conditions are satisfied:

11 (1) The person's name had been used in the name of the  
12 business, or a predecessor in interest of the business, before and  
13 after the death or retirement of the person.

14 (2) The person shall have been an owner, partner, or officer of  
15 the business, or an owner, partner, or officer of the predecessor in  
16 interest of the business.

17 (3) The person shall have been licensed as a professional  
18 engineer, or a land surveyor, or an architect, or a geologist, (A) by  
19 the appropriate licensing board if that person is operating a place  
20 of business or practice in this state, or (B) by the applicable state  
21 board if no place of business existed in this state.

22 (4) The person, if retired, has consented to the use of the name  
23 and does not permit the use of the name in the title of another  
24 professional engineering business in this state during the period  
25 of the consent. However, the retired person may use their name as  
26 the name of a new or purchased business if it is not identical in  
27 every respect to that person's name as used in the former business.

28 (5) The business shall be subject to the provisions of paragraphs  
29 (1) and (2) of subdivision (a).

30 (g) This section does not affect the provisions of Sections 6731.2  
31 and 8726.1.

32 (h) A current organization record form shall be filed with the  
33 board for all businesses engaged in rendering civil, electrical, or  
34 mechanical engineering services.

35 (i) This section shall become operative on January 1, 2026.

36 SEC. 3. Section 6767 is added to the Business and Professions  
37 Code, to read:

38 6767. (a) Each applicant for licensure or certification who has  
39 a valid email address shall report to the board that email address  
40 at the time of application.

1 (b) Each certificate or license holder who has a valid email  
2 address shall report that email address to the board at the time of  
3 renewal.

4 (c) Each applicant or certificate or license holder shall notify  
5 the board within 30 days of any change to their email address on  
6 file with the board. ~~The board may periodically, as it determines~~  
7 ~~necessary, require applicants and certificate or license holders to~~  
8 ~~confirm that their email address on file with the board is current.~~

9 (d) In the interest of protecting the privacy of applicants and  
10 certificate or license holders, the email address provided to the  
11 board pursuant to this chapter shall not be considered a public  
12 record and shall not be disclosed pursuant to Section 27 or pursuant  
13 to a request under the California Public Records Act (Division 10  
14 (commencing with Section 7920.000) of Title 1 of the Government  
15 Code), unless required pursuant to a court order by a court of  
16 competent jurisdiction.

17 SEC. 4. Section 6787 of the Business and Professions Code is  
18 amended to read:

19 6787. A person who does any of the following is guilty of a  
20 misdemeanor:

21 (a) Unless the person is exempt from licensure under this  
22 chapter, practices or offers to practice civil, electrical, or  
23 mechanical engineering in this state according to this chapter  
24 without legal authorization.

25 (b) Presents or attempts to file as the person's own the certificate  
26 of licensure of a licensed professional engineer unless they are the  
27 person named on the certificate of licensure.

28 (c) Gives false evidence of any kind to the board, or to any board  
29 member, in obtaining a certificate of licensure.

30 (d) Impersonates or uses the seal, signature, or license number  
31 of a licensed professional engineer or uses a false license number.

32 (e) Uses an expired, suspended, surrendered, or revoked license.

33 (f) Represents themselves as, or uses the title of, a licensed or  
34 registered civil, electrical, or mechanical engineer, or any other  
35 title whereby that person could be considered as practicing or  
36 offering to practice civil, electrical, or mechanical engineering in  
37 any of its branches, unless they are correspondingly qualified by  
38 licensure as a civil, electrical, or mechanical engineer under this  
39 chapter.

1 (g) Unless appropriately licensed, manages, or conducts as  
2 manager, proprietor, or agent, any place of business from which  
3 civil, electrical, or mechanical engineering work is solicited,  
4 performed, or practiced, except as authorized pursuant to Section  
5 8726.1.

6 (h) Uses the title, or any combination of that title, of  
7 “professional engineer,” “licensed engineer,” “registered engineer,”  
8 or the branch titles specified in Section 6732, or the authority titles  
9 specified in Sections 6736 and 6736.1, or “engineer-in-training,”  
10 or makes use of any abbreviation of that title that might lead to  
11 the belief that the person is a licensed engineer, is authorized to  
12 use the titles specified in Section 6736 or 6736.1, or holds a  
13 certificate as an engineer-in-training, without being licensed,  
14 authorized, or certified as required by this chapter.

15 (i) Uses the title “consulting engineer” without being licensed  
16 as required by this chapter or without being authorized to use that  
17 title pursuant to legislation enacted at the 1963, 1965, or 1968  
18 Regular Session.

19 (j) Violates any provision of this chapter.

20 SEC. 5. Section 6795.1 of the Business and Professions Code  
21 is repealed.

22 SEC. 6. Section 7856 is added to the Business and Professions  
23 Code, to read:

24 7856. (a) Each applicant for licensure or certification who has  
25 a valid email address shall report to the board that email address  
26 at the time of application.

27 (b) Each certificate or license holder who has a valid email  
28 address shall report that email address to the board at the time of  
29 renewal.

30 (c) Each applicant or certificate or license holder shall notify  
31 the board within 30 days of any change to their email address on  
32 file with the board. ~~The board may periodically, as it determines~~  
33 ~~necessary, require applicants and certificate or license holders to~~  
34 ~~confirm that their email address on file with the board is current.~~

35 (d) In the interest of protecting the privacy of applicants and  
36 certificate or license holders, the email address provided to the  
37 board pursuant to this chapter shall not be considered a public  
38 record and shall not be disclosed pursuant to Section 27 or pursuant  
39 to a request under the California Public Records Act (Division 10  
40 commencing with Section 7920.000) of Title 1 of the Government



1 Code), unless required pursuant to a court order by a court of  
2 competent jurisdiction.

3 SEC. 7. Section 8729 of the Business and Professions Code,  
4 as amended by Section 3 of Chapter 150 of the Statutes of 2018,  
5 is amended to read:

6 8729. (a) This chapter does not prohibit one or more licensed  
7 land surveyors or civil engineers licensed in this state before 1982  
8 (hereinafter called civil engineers) from practicing or offering to  
9 practice, within the scope of their licensure, land surveying as a  
10 sole proprietorship, partnership, limited liability partnership, firm,  
11 or corporation (hereinafter called business), if the following  
12 conditions are satisfied:

13 (1) A land surveyor or civil engineer currently licensed in the  
14 state is an owner, partner, or officer in charge of the land surveying  
15 practice of the business.

16 (2) All land surveying services are performed by or under the  
17 responsible charge of a land surveyor or civil engineer.

18 (3) If the business name of a California land surveying business  
19 contains the name of a person, then that person shall be licensed  
20 by the board as a land surveyor or licensed by the board in any  
21 year as a civil engineer. Any offer, promotion, or advertisement  
22 by the business that contains the name of any individual in the  
23 business, other than by use of the name of the individual in the  
24 business name, shall clearly and specifically designate the license  
25 discipline of each individual named.

26 (b) An out-of-state business with a branch office in this state  
27 shall meet the requirements of subdivision (a) and shall have an  
28 owner, partner, or officer who is in charge of the land surveying  
29 work in this state, who is licensed in this state, and who is  
30 physically present at the branch office in this state on a regular  
31 basis. However, the name of the business may contain the name  
32 of a person not licensed in this state, if that person is appropriately  
33 licensed or registered in another state. Any offer, promotion, or  
34 advertisement that contains the name of any individual in the  
35 business, other than by use of the name of the individual in the  
36 business name, shall clearly and specifically designate the license  
37 or registration discipline of each individual named.

38 (c) The business name of a California land surveying business  
39 may be a fictitious name. However, if the fictitious name includes

1 the names of any person, the requirements of paragraph (3) of  
2 subdivision (a) shall be met.

3 (d) A person not licensed under this chapter or licensed as a  
4 civil engineer in this state before 1982 may also be a partner or an  
5 officer of a land surveying business if the conditions of subdivision  
6 (a) are satisfied. This section does not permit a person who is not  
7 licensed under this chapter or licensed as a civil engineer in this  
8 state before 1982 to be the sole owner or office of a land surveying  
9 business, unless otherwise exempt under this chapter.

10 (e) This section shall not prevent the use of the name of any  
11 business engaged in rendering land surveying services, including  
12 the use by any lawful successor or survivor, that lawfully was in  
13 existence on June 1, 1941. However, the business is subject to the  
14 provisions of paragraphs (1) and (2) of subdivision (a).

15 (f) A business engaged in rendering land surveying services  
16 may use in its name the name of a deceased or retired person if  
17 the following conditions are satisfied:

18 (1) The person's name had been used in the name of the  
19 business, or a predecessor in interest of the business, before the  
20 death or retirement of the person.

21 (2) The person shall have been an owner, partner, or officer of  
22 the business, or an owner, partner, or officer of the predecessor in  
23 interest of the business.

24 (3) The person shall have been licensed as a land surveyor or a  
25 civil engineer by the board, if operating a place of business or  
26 practice in this state, or by an applicable state board in the event  
27 no place of business existed in this state.

28 (4) The person, if retired, has consented to the use of the name  
29 and does not permit the use of the name in the title of another land  
30 surveying business in this state during the period of that consent,  
31 except that a retired person may use their name as the name of a  
32 new or purchased business, if that business is not identical in every  
33 respect to that person's name as used in the former business.

34 (5) The business shall be subject to paragraphs (1) and (2) of  
35 subdivision (a).

36 (g) This section does not affect Sections 6731.2 and 8726.1.

37 (h) A current organization record form shall be filed with the  
38 board for all businesses engaged in rendering professional land  
39 surveying services.

1 (i) This section shall remain in effect only until January 1, 2026,  
2 and as of that date is repealed.

3 SEC. 8. Section 8729 of the Business and Professions Code,  
4 as amended by Section 4 of Chapter 150 of the Statutes of 2018,  
5 is amended to read:

6 8729. (a) This chapter does not prohibit one or more licensed  
7 land surveyors or civil engineers licensed in this state before 1982  
8 (hereinafter called civil engineers) from practicing or offering to  
9 practice within the scope of their licensure, land surveying as a  
10 sole proprietorship, partnership, firm, or corporation (hereinafter  
11 called business), if the following conditions are satisfied:

12 (1) A land surveyor or civil engineer currently licensed in the  
13 state is an owner, partner, or officer in charge of the land surveying  
14 practice of the business.

15 (2) All land surveying services are performed by or under the  
16 responsible charge of a land surveyor or civil engineer.

17 (3) If the business name of a California land surveying business  
18 contains the name of a person, then that person shall be licensed  
19 by the board as a land surveyor or licensed by the board in any  
20 year as a civil engineer. Any offer, promotion, or advertisement  
21 by the business that contains the name of any individual in the  
22 business, other than by use of the name of the individual in the  
23 business name, shall clearly and specifically designate the license  
24 discipline of each individual named.

25 (b) An out-of-state business with a branch office in this state  
26 shall meet the requirements of subdivision (a) and shall have an  
27 owner, partner, or officer who is in charge of the land surveying  
28 work in this state, who is licensed in this state, and who is  
29 physically present at the branch office in this state on a regular  
30 basis. However, the name of the business may contain the name  
31 of a person not licensed in this state, if that person is appropriately  
32 licensed or registered in another state. Any offer, promotion, or  
33 advertisement that contains the name of any individual in the  
34 business, other than by use of the name of the individual in the  
35 business name, shall clearly and specifically designate the license  
36 or registration discipline of each individual named.

37 (c) The business name of a California land surveying business  
38 may be a fictitious name. However, if the fictitious name includes  
39 the names of any person, the requirements of paragraph (3) of  
40 subdivision (a) shall be met.

1 (d) A person not licensed under this chapter or licensed as a  
2 civil engineer in this state before 1982 may also be a partner or an  
3 officer of a land surveying business if the conditions of subdivision  
4 (a) are satisfied. This section does not permit a person who is not  
5 licensed under this chapter or licensed as a civil engineer in this  
6 state before 1982 to be the sole owner or office of a land surveying  
7 business, unless otherwise exempt under this chapter.

8 (e) This section shall not prevent the use of the name of any  
9 business engaged in rendering land surveying services, including  
10 the use by any lawful successor or survivor, that lawfully was in  
11 existence on June 1, 1941. However, the business is subject to the  
12 provisions of paragraphs (1) and (2) of subdivision (a).

13 (f) A business engaged in rendering land surveying services  
14 may use in its name the name of a deceased or retired person if  
15 the following conditions are satisfied:

16 (1) The person's name had been used in the name of the  
17 business, or a predecessor in interest of the business, before the  
18 death or retirement of the person.

19 (2) The person shall have been an owner, partner, or officer of  
20 the business, or an owner, partner, or officer of the predecessor in  
21 interest of the business.

22 (3) The person shall have been licensed as a land surveyor or a  
23 civil engineer by the board, if operating a place of business or  
24 practice in this state, or by an applicable state board in the event  
25 no place of business existed in this state.

26 (4) The person, if retired, has consented to the use of the name  
27 and does not permit the use of the name in the title of another land  
28 surveying business in this state during the period of that consent,  
29 except that a retired person may use their name as the name of a  
30 new or purchased business, if that business is not identical in every  
31 respect to that person's name as used in the former business.

32 (5) The business shall be subject to paragraphs (1) and (2) of  
33 subdivision (a).

34 (g) This section does not affect Sections 6731.2 and 8726.1.

35 (h) A current organization record form shall be filed with the  
36 board for all businesses engaged in rendering professional land  
37 surveying services.

38 (i) This section shall become operative on January 1, 2026.

39 SEC. 9. Section 8753 is added to the Business and Professions  
40 Code, to read:

1 8753. (a) Each applicant for licensure or certification who has  
2 a valid email address shall report to the board that email address  
3 at the time of application.

4 (b) Each certificate or license holder who has a valid email  
5 address shall report that email address to the board at the time of  
6 renewal.

7 (c) Each applicant or certificate or license holder shall notify  
8 the board within 30 days of any change to their email address on  
9 file with the board. ~~The board may periodically, as it determines~~  
10 ~~necessary, require applicants and certificate or license holders to~~  
11 ~~confirm that their email address on file with the board is current.~~

12 (d) In the interest of protecting the privacy of applicants and  
13 certificate or license holders, the email address provided to the  
14 board pursuant to this chapter shall not be considered a public  
15 record and shall not be disclosed pursuant to Section 27 or pursuant  
16 to a request under the California Public Records Act (Division 10  
17 (commencing with Section 7920.000) of Title 1 of the Government  
18 Code), unless required pursuant to a court order by a court of  
19 competent jurisdiction.

20 SEC. 10. Section 8792 of the Business and Professions Code  
21 is amended to read:

22 8792. A person who does any of the following is guilty of a  
23 misdemeanor:

24 (a) Unless the person is exempt from licensure under this  
25 chapter, practices, or offers to practice, land surveying in this state  
26 without legal authorization.

27 (b) Presents as their own the license of a professional land  
28 surveyor unless they are the person named on the license.

29 (c) Attempts to file as their own any record of survey under the  
30 license of a professional land surveyor.

31 (d) Gives false evidence of any kind to the board, or to any  
32 board member, in obtaining a license.

33 (e) Impersonates or uses the seal, signature, or license number  
34 of a professional land surveyor or who uses a false license number.

35 (f) Uses an expired, suspended, surrendered, or revoked license.

36 (g) Represents themselves as, or uses the title of, professional  
37 land surveyor, or any other title whereby that person could be  
38 considered as practicing or offering to practice land surveying,  
39 unless the person is correspondingly qualified by licensure as a  
40 land surveyor under this chapter.

1 (h) Uses the title, or any combination of that title, of  
2 “professional land surveyor,” “licensed land surveyor,” “land  
3 surveyor,” or the titles specified in Sections 8751 and 8775, or  
4 “land surveyor-in-training,” or who makes use of any abbreviation  
5 of that title that might lead to the belief that the person is a licensed  
6 land surveyor or holds a certificate as a land surveyor-in-training,  
7 without being licensed or certified as required by this chapter.

8 (i) Unless appropriately licensed, manages, or conducts as  
9 manager, proprietor, or agent, any place of business from which  
10 land surveying work is solicited, performed, or practiced, except  
11 as authorized pursuant to Section 6731.2.

12 (j) Violates any provision of this chapter.

13 SEC. 11. Section 8801 of the Public Resources Code is  
14 amended to read:

15 8801. (a) The system of plane coordinates that has been  
16 established by the United States Coast and Geodetic Survey for  
17 defining and stating the positions or locations of points on the  
18 surface of the earth within the State of California is based on the  
19 North American Datum of 1927 and is identified as the “California  
20 Coordinate System.” After January 1, 1987, this system shall be  
21 known as the “California Coordinate System of 1927.”

22 (b) The system of plane coordinates that has been established  
23 by the National Geodetic Survey for defining and stating the  
24 positions or locations of points on the surface of the earth within  
25 the State of California and that is based on the North American  
26 Datum of 1983 shall be known as the “California Coordinate  
27 System of 1983.”

28 (c) As used in this chapter, the following definitions apply:

29 (1) “NAD27” means the North American Datum of 1927.

30 (2) “CCS27” means the California Coordinate System of 1927.

31 (3) “NAD83” means the North American Datum of 1983.

32 (4) “CCS83” means the California Coordinate System of 1983.

33 (5) “USC&GS” means the United States Coast and Geodetic  
34 Survey.

35 (6) “NGS” means the National Geodetic Survey or its successor.

36 (7) “FGCS” means the Federal Geodetic Control Subcommittee  
37 or its successor.

38 (8) “CSRC” means the California Spatial Reference Center or  
39 its successor.

1 (9) “CSRN” means the California Spatial Reference Network,  
2 as described in Chapter 3 (commencing with Section 8850),  
3 “Geodetic Datums and the California Spatial Reference Network.”

4 (10) “GPS” means Global Positioning System and includes  
5 other, similar space-based systems.

6 (11) “FGDC” means the Federal Geographic Data Committee  
7 or its successor.

8 (d) The California portion of the system of plane coordinates  
9 defined as the State Plane Coordinate System of 2022 (SPCS2002)  
10 as established by NGS and maintained by either NGS or CSRC  
11 shall be known as the “California Coordinate System of 2022.”

12 (e) The use of the term “State Plane Coordinates” refers only  
13 to CCS27 and CCS83 coordinates.

14 SEC. 12. Section 8813.1 of the Public Resources Code is  
15 amended to read:

16 8813.1. On and after December 31, 2005, a survey that uses  
17 or establishes a CCS83 value or values shall meet all of the  
18 following requirements:

19 (a) (1) The survey shall be referenced to and shall have  
20 field-observed statistically independent connections to one or more  
21 horizontal reference stations, except as provided in paragraph (2),  
22 that is or are one of the following:

23 (A) CSRN station.

24 (B) Geodetic control station located outside of the State of  
25 California that meets all the requirements for inclusion in the CSRN  
26 except that the station is outside California.

27 (C) Existing CCS83 station that is all of the following:

28 (i) Is shown on a map filed with the applicable county surveyor  
29 by a public officer, subdivision map, corner record, or record of  
30 survey.

31 (ii) Meets all the requirements for inclusion in the CSRN, except  
32 that the station and its data are not published by NGS or CSRC.

33 (iii) Has an accuracy, conforming to the applicable CSRN  
34 requirements, stated for the station’s value.

35 (D) Existing CCS83 station that is all of the following:

36 (i) Is shown on a public map or document that is compiled and  
37 maintained by the applicable county surveyor.

38 (ii) Meets all the requirements for inclusion in the CSRN, except  
39 that the station and its data are not published by NGS or CSRC.

1 (iii) Has an accuracy, conforming to the applicable CSRN  
2 requirements, stated for the station's value.

3 (2) On and after January 1, 2023, for purposes of a survey that  
4 establishes a CCS83 value or values, the survey shall be referenced  
5 to and shall have field-observed statistically independent  
6 connections to two or more horizontal reference stations.

7 (b) If an accuracy is to be claimed for the CCS83 value or values  
8 established, the claimed accuracy shall be an accuracy standard  
9 published by FGDC or FGCS.

10 SEC. 13. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 SEC. 14. The Legislature finds and declares that Sections 3,  
20 6, and 9 of this act, which add Sections 6767, 7856, and 8753 to  
21 the Business and Professions Code, impose a limitation on the  
22 public's right of access to the meetings of public bodies or the  
23 writings of public officials and agencies within the meaning of  
24 Section 3 of Article I of the California Constitution. Pursuant to  
25 that constitutional provision, the Legislature makes the following  
26 findings to demonstrate the interest protected by this limitation  
27 and the need for protecting that interest:

28 This act balances the public's right to access records of the Board  
29 for Professional Engineers, Land Surveyors, and Geologists with  
30 the need to protect the privacy of applicants and licensees.

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**SB 1237 (Newman, D-Fullerton)**  
**Licenses: military service.**

**Status/History:** 4/14/2022 – Set for hearing on 4/26/2022.

**Location:** 4/22/2022 – Senate Committee on Military and Veterans Affairs

**Introduced:** 2/17/2022

**Amended:** 3/30/2022

**Board Position:** Watch (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law requires the licensing boards within the Department of Consumer Affairs, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met.

As introduced, this bill would have required the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. As amended March 30, 2022, this bill would instead add a provision to define the phrase “called to active duty” as having the same meaning as “active duty” as defined in the United States Military Code.

**Affected Laws:** An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** Business and Professions Code section 114.3 requires the licensing boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if 1) the licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty; 2) the renewal requirements are waived only for the period during which the licensee or registrant is on active duty service; and, 3) written documentation that substantiates the licensee or registrant’s active duty service is provided to the board.

This bill, as introduced, would have added a new subdivision to Section 114.3 that would require the Board to waive the renewal fees of a licensee called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee is stationed outside of California. Since Section 114.3 was enacted in 2013, the Board has received a few requests to waive the renewal fees pursuant to this section, which have been granted upon receipt of the required documentation. These waivers have been granted whether the person was stationed inside or outside of California. (The Board does not have continuing education or other renewal requirements beyond payment of the fee.)

SB 1237 was amended March 30, 2022, to remove the new subdivision described above relating to the addition of the phrase “stationed outside of California.” The bill was amended to instead provide a definition of “called to active duty,” as used in the bill. SB 1237 specifies that the phrase “called to active duty” the same meaning as “active duty” as defined in Section 101 of Title 10 of the United States Code and shall also apply to those on active duty with the California National Guard.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on SB 1237, as amended March 30, 2022.

AMENDED IN SENATE MARCH 30, 2022

**SENATE BILL**

**No. 1237**

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**Introduced by Senator Newman**

February 17, 2022

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An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

~~This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. *define the phrase*~~

“called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 114.3 of the Business and Professions  
2 Code is amended to read:

3 114.3. (a) Notwithstanding any other law, every board, as  
4 defined in Section 22, within the department shall waive the  
5 renewal fees, continuing education requirements, and other renewal  
6 requirements as determined by the board, if any are applicable,  
7 for a licensee or registrant called to active duty as a member of  
8 the United States Armed Forces or the California National Guard  
9 if all of the following requirements are met:

10 (1) The licensee or registrant possessed a current and valid  
11 license with the board at the time the licensee or registrant was  
12 called to active duty.

13 (2) The renewal requirements are waived only for the period  
14 during which the licensee or registrant is on active duty service.

15 (3) Written documentation that substantiates the licensee or  
16 registrant’s active duty service is provided to the board.

17 (b) *For purposes of this section, the phrase “called to active  
18 duty” shall have the same meaning as “active duty” as defined in  
19 Section 101 of Title 10 of the United States Code and shall  
20 additionally include individuals who are on active duty in the  
21 California National Guard, whether due to proclamation of a state  
22 of insurrection pursuant to Section 143 of the Military and Veterans  
23 Code or due to a proclamation of a state extreme emergency or  
24 when the California National Guard is otherwise on active duty  
25 pursuant to Section 146 of the Military and Veterans Code.*

26 ~~(b)~~

27 (c) (1) Except as specified in paragraph (2), the licensee or  
28 registrant shall not engage in any activities requiring a license  
29 during the period that the waivers provided by this section are in  
30 effect.

31 (2) If the licensee or registrant will provide services for which  
32 the licensee or registrant is licensed while on active duty, the board

1 shall convert the license status to military active and no private  
2 practice of any type shall be permitted.

3 ~~(e)~~

4 (d) In order to engage in any activities for which the licensee  
5 or registrant is licensed once discharged from active duty, the  
6 licensee or registrant shall meet all necessary renewal requirements  
7 as determined by the board within six months from the licensee's  
8 or registrant's date of discharge from active duty service.

9 ~~(e)~~

10 (e) After a licensee or registrant receives notice of the licensee  
11 or registrant's discharge date, the licensee or registrant shall notify  
12 the board of their discharge from active duty within 60 days of  
13 receiving their notice of discharge.

14 ~~(e) A board shall waive the renewal fees of a licensee or~~  
15 ~~registrant called to active duty as a member of the United States~~  
16 ~~Armed Forces or the California National Guard if the licensee or~~  
17 ~~registrant is stationed outside of California.~~

18 (f) A board may adopt regulations to carry out the provisions  
19 of this section.

20 (g) This section shall not apply to any board that has a similar  
21 license renewal waiver process statutorily authorized for that board.

O

**SB 1365 (Jones, R-El Cajon)**  
**Licensing boards: procedures.**

**Status/History:** 4/6/2022 – Passed Senate Committee on Business, Professions and Economic Development. Referred to Senate Committee on Public Safety. Set for hearing on 4/26/2022.

**Location:** 4/22/2022 – Senate Committee on Public Safety

**Introduced:** 2/18/2022

**Board Position:** Watch (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs (DCA) and the boards to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require the boards to publicly post on their websites a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.

The bill would require DCA to establish a process to assist each board in developing the information to be included on the website, as specified. It would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents.

The bill would further require the boards to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

**Affected Laws:** An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** The Board has regulations that define the criteria that must be considered to determine if a crime is substantially related to the qualifications, functions, and duties of the regulated professions and that define the evidence of rehabilitation the Board must consider before denying issuance of a license. These regulations are available on the Board’s website, as are all of the Board’s regulations. Board staff currently relies upon information from official court documents regarding convictions, rather than just a list or explanation from the applicants. The Board currently has an informal appeal process for citations; it is likely that the informal appeal process required by this bill could be similar to that process.

At its March 7, 2022, meeting, the Board took a position of “Watch” on SB 1365.

**Staff Recommendation:** No action needed.

**Introduced by Senator Jones**February 18, 2022

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An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 114.6 is added to the Business and  
2 Professions Code, to read:  
3 114.6. (a) Each board within the department shall publicly  
4 post on its internet website a list of criteria used to evaluate  
5 applicants with criminal convictions so that potential applicants  
6 for licensure may be better informed about their possibilities of  
7 gaining licensure before investing time and resources into  
8 education, training, and application fees.  
9 (b) The department shall do all of the following:  
10 (1) (A) Establish a process to assist each board in developing  
11 its internet website in compliance with subdivision (a).  
12 (B) As part of this process, the department shall disseminate  
13 materials to, and serve as a clearing house to, boards in order to  
14 provide guidance and best practices in assisting applicants with  
15 criminal convictions gain employment.  
16 (2) (A) Develop a process for each board to use in verifying  
17 applicant information and performing background checks of  
18 applicants.  
19 (B) In developing this process, the board may examine the model  
20 used for performing background checks of applicants established  
21 by the Department of Insurance. The process developed shall  
22 require applicants with convictions to provide certified court  
23 documents instead of listing convictions on application documents.  
24 This process shall prevent license denials due to unintentional  
25 reporting errors. This process shall also include procedures to  
26 expedite the fee-waiver process for any low-income applicant  
27 requesting a background check.  
28 (3) (A) Develop a procedure to provide for an informal appeals  
29 process.  
30 (B) In developing this informal appeals process, the department  
31 may examine the model for informal appeals used by the Bureau  
32 of Security and Investigative Services. The informal appeals



- 1 process shall occur between an initial license denial and an
- 2 administrative law hearing.

O

**SB 1443 (Roth, D-Riverside)**  
**The Department of Consumer Affairs.**

**Status/History:** 4/18/2022 – From Senate Committee on Business, Professions and Economic Development: Do pass and re-refer to Committee on Appropriations with recommendation to consent calendar. Re-referred to Committee on Appropriations.

**Location:** 4/22/2022 – Senate Committee on Appropriations

**Introduced:** 2/18/2022

**Board Position:** Watch, with authorization to change to Support when amended (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions until January 1, 2025, and make related conforming changes.

**Affected Laws:** An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** The Board’s current sunset date specified in the Professional Engineers Act and the Professional Land Surveyors’ Act is January 1, 2024. This bill would extend that date to January 1, 2025. (There is no sunset date in the Geologist and Geophysicist Act.) Due to the pandemic, the sunset hearings originally scheduled for 2020 were postponed, and the boards and bureaus up for hearing that year were given extensions. However, that created a burdensome hearing calendar for the Legislature the following year. As such, the Legislature has been adjusting the sunset dates of various boards and bureaus each year in order to achieve a more uniform and workable schedule of boards and bureaus subject to review each year.

Extending the Board’s sunset date to 2025 means that the Board’s report will be due at the end of 2023/beginning of 2024, with the sunset review hearing held in 2024.

The section from the Professional Land Surveyors’ Act was overlooked in the introduced version of the bill. The staff of the Senate Business, Professions and Economic Development Committee is aware of this oversight, and the section will be included when the bill is amended in the Appropriations Committee.

At its March 7, 2022, meeting, the Board took a position of “Watch” on SB 1443, as introduced, and authorized staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710.

**Staff Recommendation:** No action needed.

**Introduced by Senator Roth**February 18, 2022

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An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as introduced, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis.

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1601.1 of the Business and Professions  
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer  
4 Affairs the Dental Board of California in which the administration  
5 of this chapter is vested. The board shall consist of eight practicing  
6 dentists, one registered dental hygienist, one registered dental  
7 assistant, and five public members. Of the eight practicing dentists,  
8 one shall be a member of a faculty of any California dental college,  
9 and one shall be a dentist practicing in a nonprofit community  
10 clinic. The appointing powers, described in Section 1603, may  
11 appoint to the board a person who was a member of the prior board.  
12 The board shall be organized into standing committees dealing  
13 with examinations, enforcement, and other subjects as the board  
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter  
16 to the Board of Dental Examiners shall be deemed to refer to the  
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the  
19 existing board under this chapter. The board may enforce all  
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until ~~January 1, 2024,~~  
22 *January 1, 2025*, and as of that date is repealed. Notwithstanding  
23 any other law, the repeal of this section renders the board subject  
24 to review by the appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code  
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,  
28 may appoint a person exempt from civil service who shall be  
29 designated as an executive officer and who shall exercise the  
30 powers and perform the duties delegated by the board and vested  
31 in the executive officer by this chapter.

1 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
2 *January 1, 2025*, and as of that date is repealed.

3 SEC. 3. Section 5000 of the Business and Professions Code is  
4 amended to read:

5 5000. (a) There is in the Department of Consumer Affairs the  
6 California Board of Accountancy, which consists of 15 members,  
7 7 of whom shall be licensees, and 8 of whom shall be public  
8 members who shall not be licentiates of the board or registered by  
9 the board. The board has the powers and duties conferred by this  
10 chapter.

11 (b) The Governor shall appoint four of the public members, and  
12 the seven licensee members as provided in this section. The Senate  
13 Committee on Rules and the Speaker of the Assembly shall each  
14 appoint two public members. In appointing the seven licensee  
15 members, the Governor shall appoint individuals representing a  
16 cross section of the accounting profession.

17 (c) This section shall remain in effect only until ~~January 1, 2024,~~  
18 *January 1, 2025*, and as of that date is repealed.

19 (d) Notwithstanding any other law, the repeal of this section  
20 renders the board subject to review by the appropriate policy  
21 committees of the Legislature. However, the review of the board  
22 shall be limited to reports or studies specified in this chapter and  
23 those issues identified by the appropriate policy committees of the  
24 Legislature and the board regarding the implementation of new  
25 licensing requirements.

26 SEC. 4. Section 5015.6 of the Business and Professions Code  
27 is amended to read:

28 5015.6. The board may appoint a person exempt from civil  
29 service who shall be designated as an executive officer and who  
30 shall exercise the powers and perform the duties delegated by the  
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until ~~January 1, 2024,~~  
33 *January 1, 2025*, and as of that date is repealed.

34 SEC. 5. Section 5510 of the Business and Professions Code is  
35 amended to read:

36 5510. There is in the Department of Consumer Affairs a  
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural  
39 Examiners shall mean the California Architects Board.

1 This section shall remain in effect only until ~~January 1, 2024,~~  
2 *January 1, 2025*, and as of that date is repealed. Notwithstanding  
3 any other law, the repeal of this section renders the board subject  
4 to review by the appropriate policy committees of the Legislature.

5 SEC. 6. Section 5517 of the Business and Professions Code is  
6 amended to read:

7 5517. The board may appoint a person exempt from civil  
8 service who shall be designated as an executive officer and who  
9 shall exercise the powers and perform the duties delegated by the  
10 board and vested in the executive officer by this chapter.

11 This section shall remain in effect only until ~~January 1, 2024,~~  
12 *January 1, 2025*, and as of that date is repealed.

13 SEC. 7. Section 5620 of the Business and Professions Code is  
14 amended to read:

15 5620. The duties, powers, purposes, responsibilities, and  
16 jurisdiction of the California State Board of Landscape Architects  
17 that were succeeded to and vested with the Department of  
18 Consumer Affairs in accordance with Chapter 908 of the Statutes  
19 of 1994 are hereby transferred to the California Architects Board.  
20 The Legislature finds that the purpose for the transfer of power is  
21 to promote and enhance the efficiency of state government and  
22 that assumption of the powers and duties by the California  
23 Architects Board shall not be viewed or construed as a precedent  
24 for the establishment of state regulation over a profession or  
25 vocation that was not previously regulated by a board, as defined  
26 in Section 477.

27 (a) There is in the Department of Consumer Affairs a California  
28 Architects Board as defined in Article 2 (commencing with Section  
29 5510) of Chapter 3 of Division 3.

30 Whenever in this chapter “board” is used, it refers to the  
31 California Architects Board.

32 (b) Except as provided herein, the board may delegate its  
33 authority under this chapter to the Landscape Architects Technical  
34 Committee.

35 (c) After review of proposed regulations, the board may direct  
36 the examining committee to notice and conduct hearings to adopt,  
37 amend, or repeal regulations pursuant to Section 5630, provided  
38 that the board itself shall take final action to adopt, amend, or  
39 repeal those regulations.

1 (d) The board shall not delegate its authority to discipline a  
2 landscape architect or to take action against a person who has  
3 violated this chapter.

4 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 8. Section 5621 of the Business and Professions Code is  
7 amended to read:

8 5621. (a) There is hereby created within the jurisdiction of the  
9 board, a Landscape Architects Technical Committee, hereinafter  
10 referred to in this chapter as the landscape architects committee.

11 (b) The landscape architects committee shall consist of five  
12 members who shall be licensed to practice landscape architecture  
13 in this state. The Governor shall appoint three of the members.  
14 The Senate Committee on Rules and the Speaker of the Assembly  
15 shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as  
17 follows: one member for a term of one year; one member for a  
18 term of two years; and one member for a term of three years. The  
19 Senate Committee on Rules and the Speaker of the Assembly shall  
20 initially each appoint one member for a term of four years.  
21 Thereafter, appointments shall be made for four-year terms,  
22 expiring on June 1 of the fourth year and until the appointment  
23 and qualification of the member's successor or until one year shall  
24 have elapsed, whichever first occurs. Vacancies shall be filled for  
25 the unexpired term.

26 (d) No person shall serve as a member of the landscape  
27 architects committee for more than two consecutive terms.

28 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 9. Section 5622 of the Business and Professions Code is  
31 amended to read:

32 5622. (a) The landscape architects committee may assist the  
33 board in the examination of candidates for a landscape architect's  
34 license and, after investigation, evaluate and make  
35 recommendations regarding potential violations of this chapter.

36 (b) The landscape architects committee may investigate, assist,  
37 and make recommendations to the board regarding the regulation  
38 of landscape architects in this state.

1 (c) The landscape architects committee may perform duties and  
2 functions that have been delegated to it by the board pursuant to  
3 Section 5620.

4 (d) The landscape architects committee may send a  
5 representative to all meetings of the full board to report on the  
6 committee's activities.

7 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
8 *January 1, 2025*, and as of that date is repealed.

9 SEC. 10. Section 6710 of the Business and Professions Code  
10 is amended to read:

11 6710. (a) There is in the Department of Consumer Affairs a  
12 Board for Professional Engineers, Land Surveyors, and Geologists,  
13 which consists of 15 members.

14 (b) Any reference in any law or regulation to the Board of  
15 Registration for Professional Engineers and Land Surveyors, or  
16 the Board for Professional Engineers and Land Surveyors, is  
17 deemed to refer to the Board for Professional Engineers, Land  
18 Surveyors, and Geologists.

19 (c) This section shall remain in effect only until ~~January 1, 2024,~~  
20 *January 1, 2025*, and as of that date is repealed. Notwithstanding  
21 any other law, the repeal of this section renders the board subject  
22 to review by the appropriate policy committees of the Legislature.

23 SEC. 11. Section 6714 of the Business and Professions Code  
24 is amended to read:

25 6714. The board shall appoint an executive officer at a salary  
26 to be fixed and determined by the board with the approval of the  
27 Director of Finance.

28 This section shall remain in effect only until ~~January 1, 2024,~~  
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 12. Section 6981 of the Business and Professions Code  
31 is amended to read:

32 6981. Notwithstanding any other law, the powers and duties  
33 of the bureau, as set forth in this chapter, shall be subject to review  
34 by the appropriate policy committees of the Legislature. The review  
35 shall be performed as if this chapter were scheduled to be repealed  
36 as of ~~January 1, 2024.~~ *January 1, 2025.*

37 SEC. 13. Section 7000.5 of the Business and Professions Code  
38 is amended to read:

39 7000.5. (a) There is in the Department of Consumer Affairs  
40 a Contractors State License Board, which consists of 15 members.



1 (b) Notwithstanding any other provision of law, the repeal of  
2 this section renders the board subject to review by the appropriate  
3 policy committees of the Legislature.

4 (c) This section shall remain in effect only until ~~January 1, 2024,~~  
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 14. Section 7011 of the Business and Professions Code  
7 is amended to read:

8 7011. (a) The board, by and with the approval of the director,  
9 shall appoint a registrar of contractors and fix the registrar's  
10 compensation.

11 (b) The registrar shall be the executive officer and secretary of  
12 the board and shall carry out all of the administrative duties as  
13 provided in this chapter and as delegated to the registrar by the  
14 board.

15 (c) For the purpose of administration of this chapter, there may  
16 be appointed a deputy registrar, a chief reviewing and hearing  
17 officer, and, subject to Section 159.5, other assistants and  
18 subordinates as may be necessary.

19 (d) Appointments shall be made in accordance with the  
20 provisions of civil service laws.

21 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
22 *January 1, 2025*, and as of that date is repealed.

23 SEC. 15. Section 7511.5 of the Business and Professions Code  
24 is amended to read:

25 7511.5. Notwithstanding any other law, the powers and duties  
26 of the bureau, as set forth in this chapter, shall be subject to review  
27 by the appropriate policy committees of the Legislature. The review  
28 shall be performed as if this chapter were scheduled to be repealed  
29 as of ~~January 1, 2024.~~ *January 1, 2025.*

30 SEC. 16. Section 7573.5 of the Business and Professions Code  
31 is amended to read:

32 7573.5. Notwithstanding any other law, the powers and duties  
33 of the bureau, as set forth in this chapter, shall be subject to review  
34 by the appropriate policy committees of the Legislature. The review  
35 shall be performed as if this chapter were scheduled to be repealed  
36 as of ~~January 1, 2024.~~ *January 1, 2025.*

37 SEC. 17. Section 7576 of the Business and Professions Code  
38 is amended to read:

39 7576. Notwithstanding any other law, the powers and duties  
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review  
2 shall be performed as if this chapter were scheduled to be repealed  
3 as of ~~January 1, 2024~~. *January 1, 2025*.

4 SEC. 18. Section 7588.8 of the Business and Professions Code  
5 is amended to read:

6 7588.8. Notwithstanding any other law, the powers and duties  
7 of the bureau, as set forth in this chapter, shall be subject to review  
8 by the appropriate policy committees of the Legislature. The review  
9 shall be performed as if this chapter were scheduled to be repealed  
10 as of ~~January 1, 2024~~. *January 1, 2025*.

11 SEC. 19. Section 7599.80 of the Business and Professions  
12 Code is amended to read:

13 7599.80. Notwithstanding any other law, the powers and duties  
14 of the bureau, as set forth in this chapter, shall be subject to review  
15 by the appropriate policy committees of the Legislature. The review  
16 shall be performed as if this chapter were scheduled to be repealed  
17 as of ~~January 1, 2024~~. *January 1, 2025*.

18 SEC. 20. Section 7602 of the Business and Professions Code  
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and  
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and  
23 determined by the director, with the approval of the Director of  
24 Finance. The duty of enforcing and administering this chapter is  
25 vested in the chief, and the chief is responsible to the director. The  
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director  
28 under this chapter may be exercised or performed in the name of  
29 the director by a deputy director or by the chief, subject to  
30 conditions and limitations the director may prescribe.

31 (b) Notwithstanding any other law, the powers and duties of the  
32 bureau, as set forth in this chapter, shall be subject to review by  
33 the appropriate policy committees of the Legislature. The review  
34 shall be performed as if this chapter is scheduled to be repealed  
35 on ~~January 1, 2024~~. *January 1, 2025*.

36 SEC. 21. Section 8000 of the Business and Professions Code  
37 is amended to read:

38 8000. (a) There is in the Department of Consumer Affairs a  
39 Court Reporters Board of California, which consists of five  
40 members, three of whom shall be public members and two of

1 whom shall be holders of certificates issued under this chapter  
2 who have been actively engaged as shorthand reporters within this  
3 state for at least five years immediately preceding their  
4 appointment.

5 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
6 *January 1, 2025*, and as of that date is repealed.

7 (c) Notwithstanding any other law, repeal of this section renders  
8 the board subject to review by the appropriate policy committees  
9 of the Legislature.

10 SEC. 22. Section 8005 of the Business and Professions Code  
11 is amended to read:

12 8005. (a) The Court Reporters Board of California is charged  
13 with the executive functions necessary for effectuating the purposes  
14 of this chapter. It may appoint committees as it deems necessary  
15 or proper. The board may appoint, prescribe the duties, and fix the  
16 salary of an executive officer. Except as provided by Section 159.5,  
17 the board may also employ other employees as may be necessary,  
18 subject to civil service and other law.

19 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
20 *January 1, 2025*, and as of that date is repealed.

21 SEC. 23. Section 9812.5 of the Business and Professions Code  
22 is amended to read:

23 9812.5. The director shall gather evidence of violations of this  
24 chapter and of any regulation established hereunder by any service  
25 contractor, whether registered or not, and by any employee, partner,  
26 officer, or member of any service contractor. The director shall,  
27 ~~on his or her~~ *their* own initiative, conduct spot check investigations  
28 of service contractors throughout the state on a continuous basis.

29 This section shall remain in effect only until ~~January 1, 2023,~~  
30 *January 1, 2024*, and as of that date is repealed.

31 SEC. 24. Section 9832.5 of the Business and Professions Code  
32 is amended to read:

33 9832.5. (a) Registrations issued under this chapter shall expire  
34 no more than 12 months after the issue date. The expiration date  
35 of registrations shall be set by the director in a manner to best  
36 distribute renewal procedures throughout the year.

37 (b) To renew an unexpired registration, the service contractor  
38 shall, on or before the expiration date of the registration, apply for  
39 renewal on a form prescribed by the director, and pay the renewal  
40 fee prescribed by this chapter.

1 (c) To renew an expired registration, the service contractor shall  
2 apply for renewal on a form prescribed by the director, pay the  
3 renewal fee in effect on the last regular renewal date, and pay all  
4 accrued and unpaid delinquency and renewal fees.

5 (d) Renewal is effective on the date that the application is filed,  
6 the renewal fee is paid, and all delinquency fees are paid.

7 (e) For purposes of implementing the distribution of the renewal  
8 of registrations throughout the year, the director may extend, by  
9 not more than six months, the date fixed by law for renewal of a  
10 registration, except that, in that event, any renewal fee that may  
11 be involved shall be prorated in such a manner that no person shall  
12 be required to pay a greater or lesser fee than would have been  
13 required had the change in renewal dates not occurred.

14 (f) This section shall remain in effect only until ~~January 1, 2023,~~  
15 *January 1, 2024*, and as of that date is repealed.

16 SEC. 25. Section 9847.5 of the Business and Professions Code  
17 is amended to read:

18 9847.5. (a) Each service contractor shall maintain those records  
19 as are required by the regulations adopted to carry out the  
20 provisions of this chapter for a period of at least three years. These  
21 records shall be open for reasonable inspection by the director or  
22 other law enforcement officials.

23 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
24 *January 1, 2024*, and as of that date is repealed.

25 SEC. 26. Section 9849 of the Business and Professions Code,  
26 as amended by Section 12 of Chapter 578 of the Statutes of 2018,  
27 is amended to read:

28 9849. (a) The expiration of a valid registration shall not deprive  
29 the director of jurisdiction to proceed with any investigation or  
30 hearing on a cease and desist order against a service dealer or  
31 service contractor or to render a decision to suspend, revoke, or  
32 place on probation a registration.

33 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
34 *January 1, 2024*, and as of that date is repealed.

35 SEC. 27. Section 9849 of the Business and Professions Code,  
36 as amended by Section 13 of Chapter 578 of the Statutes of 2018,  
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive  
39 the director of jurisdiction to proceed with any investigation or  
40 hearing on a cease and desist order against a service dealer or to

1 render a decision to suspend, revoke, or place on probation a  
2 registration.

3 (b) This section shall become operative on ~~January 1, 2023.~~  
4 *January 1, 2024.*

5 SEC. 28. Section 9851 of the Business and Professions Code,  
6 as amended by Section 14 of Chapter 578 of the Statutes of 2018,  
7 is amended to read:

8 9851. (a) The superior court in and for the county wherein any  
9 person carries on, or attempts to carry on, business as a service  
10 dealer or service contractor in violation of the provisions of this  
11 chapter, or any regulation thereunder, shall, on application of the  
12 director, issue an injunction or other appropriate order restraining  
13 that conduct.

14 (b) The proceedings under this section shall be governed by  
15 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
16 the Code of Civil Procedure, except that the director shall not be  
17 required to allege facts necessary to show or tending to show lack  
18 of an adequate remedy at law or irreparable injury.

19 (c) This section shall remain in effect only until ~~January 1, 2023,~~  
20 *January 1, 2024,* and as of that date is repealed.

21 SEC. 29. Section 9851 of the Business and Professions Code,  
22 as amended by Section 15 of Chapter 578 of the Statutes of 2018,  
23 is amended to read:

24 9851. (a) The superior court in and for the county wherein any  
25 person carries on, or attempts to carry on, business as a service  
26 dealer in violation of the provisions of this chapter, or any  
27 regulation thereunder, shall, on application of the director, issue  
28 an injunction or other appropriate order restraining that conduct.

29 (b) The proceedings under this section shall be governed by  
30 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
31 the Code of Civil Procedure, except that the director shall not be  
32 required to allege facts necessary to show or tending to show lack  
33 of an adequate remedy at law or irreparable injury.

34 (c) This section shall become operative on ~~January 1, 2023.~~  
35 *January 1, 2024.*

36 SEC. 30. Section 9853 of the Business and Professions Code,  
37 as amended by Section 16 of Chapter 578 of the Statutes of 2018,  
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following  
40 a plea of nolo contendere made to a charge substantially related

1 to the qualifications, functions, and duties of a service dealer or  
2 service contractor is deemed to be a conviction within the meaning  
3 of this article. The director may suspend, revoke, or place on  
4 probation a registration, or may deny registration, when the time  
5 for appeal has elapsed, or the judgment of conviction has been  
6 affirmed on appeal or when an order granting probation is made  
7 suspending the imposition of sentence, irrespective of a subsequent  
8 order under Section 1203.4 of the Penal Code, allowing that person  
9 to withdraw ~~his or her~~ *their* plea of guilty and to enter a plea of  
10 not guilty, or setting aside the verdict of guilty, or dismissing the  
11 accusation, information, or indictment.

12 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
13 *January 1, 2024*, and as of that date is repealed.

14 SEC. 31. Section 9853 of the Business and Professions Code,  
15 as amended by Section 17 of Chapter 578 of the Statutes of 2018,  
16 is amended to read:

17 9853. (a) A plea or verdict of guilty or a conviction following  
18 a plea of nolo contendere made to a charge substantially related  
19 to the qualifications, functions, and duties of a service dealer is  
20 deemed to be a conviction within the meaning of this article. The  
21 director may suspend, revoke, or place on probation a registration,  
22 or may deny registration, when the time for appeal has elapsed, or  
23 the judgment of conviction has been affirmed on appeal or when  
24 an order granting probation is made suspending the imposition of  
25 sentence, irrespective of a subsequent order under Section 1203.4  
26 of the Penal Code allowing that person to withdraw ~~his or her~~ *their*  
27 plea of guilty and to enter a plea of not guilty, or setting aside the  
28 verdict of guilty, or dismissing the accusation, information, or  
29 indictment.

30 (b) This section shall become operative ~~on January 1, 2023.~~  
31 *January 1, 2024.*

32 SEC. 32. Section 9855.9 of the Business and Professions Code  
33 is amended to read:

34 9855.9. This article shall remain in effect only until ~~January~~  
35 ~~1, 2023,~~ *January 1, 2024*, and as of that date is repealed.

36 SEC. 33. Section 9860 of the Business and Professions Code,  
37 as amended by Section 22 of Chapter 578 of the Statutes of 2018,  
38 is amended to read:

1 9860. (a) The director shall establish procedures for accepting  
2 complaints from the public against any service dealer or service  
3 contractor.

4 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
5 *January 1, 2024*, and as of that date is repealed.

6 SEC. 34. Section 9860 of the Business and Professions Code,  
7 as amended by Section 23 of Chapter 578 of the Statutes of 2018,  
8 is amended to read:

9 9860. (a) The director shall establish procedures for accepting  
10 complaints from the public against any service dealer.

11 (b) This section shall become operative on ~~January 1, 2023.~~  
12 *January 1, 2024.*

13 SEC. 35. Section 9862.5 of the Business and Professions Code  
14 is amended to read:

15 9862.5. (a) If a complaint indicates a possible violation of this  
16 chapter or of the regulations adopted pursuant to this chapter, the  
17 director may advise the service contractor of the contents of the  
18 complaint and, if the service contractor is so advised, the director  
19 shall make a summary investigation of the facts after the service  
20 contractor has had reasonable opportunity to reply thereto.

21 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
22 *January 1, 2024*, and as of that date is repealed.

23 SEC. 36. Section 9863 of the Business and Professions Code,  
24 as amended by Section 25 of Chapter 578 of the Statutes of 2018,  
25 is amended to read:

26 9863. (a) If, upon summary investigation, it appears probable  
27 to the director that a violation of this chapter, or the regulations  
28 thereunder, has occurred, the director, in ~~his or her~~ *their* discretion,  
29 may suggest measures that in the director's judgment would  
30 compensate the complainant for the damages ~~he or she has~~ *they*  
31 suffered as a result of the alleged violation. If the service dealer  
32 or service contractor accepts the director's suggestions and  
33 performs accordingly, the director shall give that fact due  
34 consideration in any subsequent disciplinary proceeding. If the  
35 service dealer or service contractor declines to abide by the  
36 suggestions of the director, the director may investigate further  
37 and may institute disciplinary proceedings in accordance with the  
38 provisions of this chapter.

39 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
40 *January 1, 2024*, and as of that date is repealed.

1 SEC. 37. Section 9863 of the Business and Professions Code,  
2 as amended by Section 26 of Chapter 578 of the Statutes of 2018,  
3 is amended to read:

4 9863. (a) If, upon summary investigation, it appears probable  
5 to the director that a violation of this chapter, or the regulations  
6 thereunder, has occurred, the director, ~~in his or her~~ *their* discretion,  
7 may suggest measures that in the director's judgment would  
8 compensate the complainant for the damages ~~he or she has~~ *they*  
9 suffered as a result of the alleged violation. If the service dealer  
10 accepts the director's suggestions and performs accordingly, the  
11 director shall give that fact due consideration in any subsequent  
12 disciplinary proceeding. If the service dealer declines to abide by  
13 the suggestions of the director, the director may investigate further  
14 and may institute disciplinary proceedings in accordance with the  
15 provisions of this chapter.

16 (b) This section shall become operative on ~~January 1, 2023.~~  
17 *January 1, 2024.*

18 SEC. 38. Section 18602 of the Business and Professions Code  
19 is amended to read:

20 18602. (a) Except as provided in this section, there is in the  
21 Department of Consumer Affairs the State Athletic Commission,  
22 which consists of seven members. Five members shall be appointed  
23 by the Governor, one member shall be appointed by the Senate  
24 Committee on Rules, and one member shall be appointed by the  
25 Speaker of the Assembly.

26 The members of the commission appointed by the Governor are  
27 subject to confirmation by the Senate pursuant to Section 1322 of  
28 the Government Code.

29 No person who is currently licensed, or who was licensed within  
30 the last two years, under this chapter may be appointed or  
31 reappointed to, or serve on, the commission.

32 (b) In appointing commissioners under this section, the  
33 Governor, the Senate Committee on Rules, and the Speaker of the  
34 Assembly shall make every effort to ensure that at least four of  
35 the members of the commission shall have experience and  
36 demonstrate expertise in one of the following areas:

37 (1) A licensed physician or surgeon having expertise or  
38 specializing in neurology, neurosurgery, head trauma, or sports  
39 medicine. Sports medicine includes, but is not limited to,  
40 physiology, kinesiology, or other aspects of sports medicine.



- 1 (2) Financial management.  
2 (3) Public safety.  
3 (4) Past experience in the activity regulated by this chapter,  
4 either as a contestant, a referee or official, a promoter, or a venue  
5 operator.

6 (c) Each member of the commission shall be appointed for a  
7 term of four years. All terms shall end on January 1. Vacancies  
8 occurring prior to the expiration of the term shall be filled by  
9 appointment for the unexpired term. No commission member may  
10 serve more than two consecutive terms.

11 (d) Notwithstanding any other provision of this chapter,  
12 members first appointed shall be subject to the following terms:

13 (1) The Governor shall appoint two members for two years, two  
14 members for three years, and one member for four years.

15 (2) The Senate Committee on Rules shall appoint one member  
16 for four years.

17 (3) The Speaker of the Assembly shall appoint one member for  
18 four years.

19 (e) (1) This section shall remain in effect only until ~~January 1,~~  
20 ~~2024,~~ *January 1, 2025*, and as of that date is repealed.

21 (2) Notwithstanding any other law, the repeal of this section  
22 renders the board subject to review by the appropriate policy  
23 committees of the Legislature.

24 SEC. 39. Section 18613 of the Business and Professions Code  
25 is amended to read:

26 18613. (a) (1) The commission shall appoint a person exempt  
27 from civil service who shall be designated as an executive officer  
28 and who shall exercise the powers and perform the duties delegated  
29 by the commission and vested in the executive officer by this  
30 chapter. The appointment of the executive officer is subject to the  
31 approval of the Director of Consumer Affairs.

32 (2) The commission may employ a chief athletic inspector. If  
33 the commission employs a chief athletic inspector, the chief athletic  
34 inspector shall exercise the powers and perform the duties delegated  
35 by the commission and authorized by the executive officer related  
36 to the regulation of events under this chapter.

37 (3) The commission may employ an assistant chief athletic  
38 inspector. If the commission employs an assistant chief athletic  
39 inspector, the assistant chief athletic inspector shall assist the chief  
40 athletic inspector in exercising the powers and performing the

1 duties delegated by the commission and authorized by the executive  
2 officer related to the regulation of events under this chapter.

3 (4) The commission may employ in accordance with Section  
4 154 other personnel as may be necessary for the administration of  
5 this chapter.

6 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
7 *January 1, 2025*, and as of that date is repealed.

O

**SB 1487 (Rubio, D-West Covina)**  
**Commission on Teacher Credentialing: survey: teachers exiting the profession.**

**Status/History:** 4/20/2022 – Amended and re-referred to the Senate Committee on Education.

**Location:** 4/22/2022 – Senate Committee on Education

**Introduced:** 2/18/2022

**Last Amended:** 4/20/2022

**Board Position:** Watch (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** As introduced, this bill would have made nonsubstantive changes to a provision of the Professional Engineers Act (specifically, Business and Professions Code section 6704).

As amended on March 16 and April 20, 2022, this bill now proposes changes to the Education Code relating to teachers.

**Affected Laws:** An act to add Section 44223 to the Education Code, relating to teachers.

**Staff Comment:** At its March 7, 2022, meeting, the Board took a position of “Watch” on SB 1487 since it proposed to amend a section of the Board’s laws. However, the bill has since been amended to make changes to the Education Code relating to teachers, and no longer affects this Board. As such, the Board should remove its position of “Watch” and take no position on SB 1487.

**Staff Recommendation:** Staff recommends the Board remove its position of “Watch” on SB 1487 and take no position on SB 1487, as amended April 20, 2022.

AMENDED IN SENATE APRIL 20, 2022  
AMENDED IN SENATE MARCH 16, 2022

**SENATE BILL**

**No. 1487**

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**Introduced by Senator Rubio**

February 18, 2022

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An act to add Section ~~44259.11~~ 44223 to the Education Code, relating to ~~teacher credentialing~~: *teachers*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1487, as amended, Rubio. ~~Teacher credentialing: Integrated Undergraduate Credentialing Tuition Grant Program. Commission on Teacher Credentialing: survey: teachers exiting the profession.~~

Existing law establishes minimum requirements for the issuance of teaching credentials by the Commission on Teacher Credentialing, as provided, including satisfactory completion of a program of an accredited professional preparation program. ~~Existing law authorizes a regionally accredited institution of higher education to offer a 4-year integrated program of professional preparation that allows a student to earn a baccalaureate degree and a preliminary multiple- or single-subject teaching credential, or an education specialist instruction credential authorizing the holder to teach special education, including student teaching requirements, concurrently and within 4 years of study, as specified. Existing law establishes the Student Aid Commission as the primary state agency for administering state-authorized student financial aid programs available to students attending all segments of postsecondary education.~~

~~This bill would establish the Integrated Undergraduate Credentialing Tuition Grant Program under the administration of the Student Aid Commission. The bill would, subject to an appropriation, require~~

~~qualified undergraduate students who are enrolled in integrated programs of professional preparation provided by regionally accredited institutions of higher education, and in good academic standing, to receive a full tuition grant award in an amount equal to the amount charged to that student in that academic year for mandatory systemwide tuition and fees. The bill would establish the Integrated Undergraduate Credentialing Tuition Grant Fund in the State Treasury, to be funded through an appropriation from the General Fund in the annual Budget Act.~~

*This bill would require the commission to develop a survey no later than July 1, 2023, for purposes of collecting data from teachers of local educational agencies exiting the profession. The bill would require a local educational agency, on and after the commencement of the 2023–24 school year, to administer the survey within 15 days of a teacher of the local educational agency exiting the profession. The bill would require local educational agencies to report the results of these surveys to the commission on an annual basis. The bill would require the commission to prepare an annual report that compiles the data from the surveys, submit the report to the State Department of Education and the Legislature, and post the report on its internet website.*

*By requiring local educational agencies to perform additional duties, the bill would impose a state-mandated local program.*

*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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 44223 is added to the Education Code,
- 2     to read:
- 3     44223. (a) (1) The commission shall develop a survey no later
- 4     than July 1, 2023, for purposes of collecting data from teachers
- 5     of local educational agencies exiting the profession.

1 (2) In developing the survey pursuant to paragraph (1), the  
2 commission shall gather input from education stakeholders.

3 (b) On and after the commencement of the 2023–24 school year,  
4 a local educational agency shall administer the survey developed  
5 by the commission within 15 days of a teacher of the local  
6 educational agency exiting the profession.

7 (c) A local educational agency shall report the results of surveys  
8 administered pursuant to subdivision (b) to the commission on an  
9 annual basis.

10 (d) (1) The commission shall prepare an annual report that  
11 compiles the data provided pursuant to subdivision (c), submit the  
12 report to the department and the Legislature, and post the report  
13 on its internet website.

14 (2) A report to be submitted to the Legislature pursuant to  
15 paragraph (1) shall be submitted in compliance with Section 9795  
16 of the Government Code.

17 (e) It is the intent of the Legislature that the data from the  
18 surveys shall be used to examine future statewide investments on  
19 teacher recruitment and retention efforts.

20 (f) For purposes of this section, “local educational agency”  
21 means a school district, county office of education, or charter  
22 school maintaining kindergarten or any of grades 1 to 12, inclusive.

23 SEC. 2. If the Commission on State Mandates determines that  
24 this act contains costs mandated by the state, reimbursement to  
25 local agencies and school districts for those costs shall be made  
26 pursuant to Part 7 (commencing with Section 17500) of Division  
27 4 of Title 2 of the Government Code.

28 SECTION 1. Section 44259.11 is added to the Education Code,  
29 to read:

30 ~~44259.11. (a) The Legislature finds and declares all of the~~  
31 ~~following:~~

32 ~~(1) Before the onset of the COVID-19 pandemic, California~~  
33 ~~school districts were facing a critical shortage of credentialed~~  
34 ~~teachers.~~

35 ~~(2) During the pandemic, the shortage has expanded to an~~  
36 ~~extraordinary crisis where teachers are both leaving the profession~~  
37 ~~in unprecedented numbers and the number of teachers entering~~  
38 ~~the profession is at an all-time low.~~

39 ~~(3) Individuals interested in becoming teachers face any number~~  
40 ~~of impediments and barriers to acquiring a teaching credential,~~

1 chief among them the cost of acquiring a credential and the time  
2 required.

3 ~~(4) Providing clear financial support to a demonstrated and~~  
4 ~~proven teacher preparation program can help, in short order,~~  
5 ~~produce well-qualified teachers at a time when California schools~~  
6 ~~are in great need.~~

7 ~~(5) Established in 2005, integrated undergraduate credentialing~~  
8 ~~programs were created in an effort to reduce the financial burden~~  
9 ~~on students interested in teaching, while also creating a more~~  
10 ~~efficient process to get highly qualified and credentialed teachers~~  
11 ~~into California classrooms.~~

12 ~~(6) Since their establishment, integrated undergraduate~~  
13 ~~credentialing programs have become proven and valuable, yet~~  
14 ~~underutilized, programs in developing qualified and credentialed~~  
15 ~~teachers, and have demonstrated they can be a reliable and ongoing~~  
16 ~~source of qualified teachers at a time when California schools are~~  
17 ~~in great need.~~

18 ~~(7) Greater state investment is needed to further attract and~~  
19 ~~increase the number of students who can pursue their teaching~~  
20 ~~credential through this pathway.~~

21 ~~(b) For purposes of this section, “integrated undergraduate~~  
22 ~~credentialing program” means an integrated program of~~  
23 ~~professional preparation as provided for in paragraph (1) of~~  
24 ~~subdivision (a) of Section 44259.1.~~

25 ~~(c) The Integrated Undergraduate Credentialing Tuition Grant~~  
26 ~~Program is hereby established under the administration of the~~  
27 ~~Student Aid Commission. Subject to an available and sufficient~~  
28 ~~appropriation, a qualified undergraduate student who is enrolled~~  
29 ~~in an integrated undergraduate credentialing program provided by~~  
30 ~~a regionally accredited institution of higher education, and is in~~  
31 ~~good academic standing as determined by the Student Aid~~  
32 ~~Commission, shall receive a full tuition grant award in an amount~~  
33 ~~equal to the amount charged to that student in that academic year~~  
34 ~~for mandatory systemwide tuition and fees.~~

35 ~~(d) The Integrated Undergraduate Credentialing Tuition Grant~~  
36 ~~Fund is hereby established in the State Treasury. The fund shall~~  
37 ~~be funded through an appropriation from the General Fund in the~~  
38 ~~annual Budget Act. Appropriated funds shall not count towards~~  
39 ~~the minimum state school funding obligation pursuant to~~

1 ~~subdivision (b) of Section 8 of Article XVI of the California~~  
2 ~~Constitution.~~

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**SB 1495 (Senate Committee on Business, Professions and Economic Development)  
Professions and vocations**

**Status/History:** 4/18/2022 – From Senate Committee on Business, Professions and Economic Development: Do pass and re-refer to Committee on Appropriations with recommendation to consent calendar. Re-referred to Committee on Appropriations.

**Location:** 4/22/2022 – Senate Committee on Appropriations

**Introduced:** 3/15/2022

**Board Position:** Support (as of 3/7/2022)

**Board Staff Analysis:** 4/22/2022

**Bill Summary:** This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA), including to Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

**Affected Laws:** An act to amend Sections 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2240, 2401, 2435.1, 2516, 2725.4, 2746.55, 2786.3, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4846.5, 4980.03, 4996.20, 4999.12, 7841.2, 10083.2, 10140.6, 10153.2, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, and to amend and repeal Section 10151 of, the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** This bill is the Senate Committee on Business, Professions and Economic Development’s omnibus bill for this legislative session. It includes the Board’s proposal to amend Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

**Staff Recommendation:** Staff recommends the Board take a position of “Support” on SB 1495.

**Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)**

March 15, 2022

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An act to amend Sections 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2240, 2401, 2435.1, 2516, 2725.4, 2746.55, 2786.3, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4846.5, 4980.03, 4996.20, 4999.12, 7841.2, 10083.2, 10140.6, 10153.2, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, and to amend and repeal Section 10151 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1495, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Chapter 143 of the Statutes of 2021 renamed the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information, and requires any reference to the office to be deemed a reference to the department.

This bill would update the name of the department in provisions relating to healing arts that reference the office.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California within the Department of Consumer Affairs for the licensure and regulation of dental hygienists. Under existing law, a licensee is required, as a condition of license renewal, to submit, and certify under penalty of perjury, assurances satisfactory to the board

that they will, during the succeeding 2-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses, as specified.

Under this bill, the assurances required as a condition of license renewal would be that the licensee had, during the preceding 2-year period, informed themselves of those developments, as specified. By changing what assurances a licensee is required to submit to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law creates the Physician Assistant Fund and makes all money in the fund available, upon appropriation of the Legislature, to carry out the provisions of the act. Existing law requires the Medical Board of California to report to the Controller the amount and source of all collections made under the act and to pay all those sums into the State Treasury, where they are required to be credited to the fund. Chapter 649 of the Statutes of 2021 removed the provision that placed the Physician Assistant Board within the jurisdiction of the Medical Board of California.

This bill would remove those reporting and payment requirements from the Medical Board of California, and would, instead, impose them on the Physician Assistant Board.

(4) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board in the Department of Consumer Affairs for the licensure and regulation of veterinarians. Existing law requires a licensee to biennially apply for renewal of their license, and requires the board to issue renewal to those applicants that have completed a minimum of 36 hours of continuing education in the preceding 2 years. Existing law generally requires continuing education hours to be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by certain entities.

This bill would delete an obsolete provision relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

(5) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to regulate various registrants and licensees under prescribed acts, including the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, the Licensed Professional Clinical Counselor Act, and the

Educational Psychologist Practice Act. Under the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, applicants for licensure are required to complete a certain amount of supervised experience and direct supervisor contact. Existing law defines “supervisor” for purposes of those acts to mean an individual who meets certain requirements, including, among others, having, for at least 2 years within the 5-year period immediately preceding any supervision, practiced psychotherapy, provided psychological counseling pursuant to a provision of the Educational Psychologist Practice Act, or provided specified direct clinical supervision of psychotherapy.

This bill would correct erroneous cross-references to the provision of the Educational Psychologist Practice Act mentioned above.

(6) Existing law, the Geologist and Geophysicist Act, requires the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to administer its provision relating to the licensure and regulation of geologists and geophysicists. Existing law requires an applicant for certification as a geologist-in-training to meet certain requirements, including either of 2 education requirements fulfilled at a school or university whose curricula whose curricula meet criteria established by the board.

Under the bill, the board would not be required to verify an applicant’s eligibility for certification as a geologist-in-training except that an applicant for certification as a geologist-in-training would be required to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the above-described education requirements and the rules of the board. By requiring an applicant to submit an attestation to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(7) Existing federal law, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (“SAFE Act”), encourages states to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, as specified.

Existing state law, the Real Estate Law, governs the licensing and regulation of real estate licensees, as defined, as administered by the Real Estate Commissioner. Existing law, the California Residential Mortgage Lending Act, regulates the business of making residential

mortgage loans and servicing residential mortgage loans, and prohibits a person from engaging in these activities without first obtaining a license from the Commissioner of Financial Protection and Innovation. Existing law, the California Financing Law, provides for the licensure and regulation of finance lenders, brokers, and specified program administrators by the Commissioner of Financial Protection and Innovation.

Existing law requires certain licensees under the Real Estate Law, the California Financing Law, and the California Residential Mortgage Lending Act, including mortgage loan originators, to also be licensed and registered through, and regulated by, the Nationwide Mortgage Licensing System and Registry. Existing law requires the Real Estate Commissioner and the Commissioner of Financial Protection and Innovation to regularly report violations of specified state law provisions implementing the SAFE Act and specified enforcement actions to the Nationwide Mortgage Licensing System and Registry. Existing law authorizes those commissioners to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process certain fees.

This bill would instead refer to the Nationwide Mortgage Licensing System and Registry in the provisions of the Real Estate Law as the “Nationwide Multistate Licensing System and Registry.” The bill would make various nonsubstantive changes to the Real Estate Law, including correcting erroneous cross-references.

Existing law requires an applicant for an original real estate broker license examination to successfully complete courses of study in specified subjects, including real estate practice and legal aspects of real estate. Existing law also requires an applicant for a real estate salesperson license examination or for both the examination and license to successfully complete courses of study in specified subjects, including real estate principles and real estate practice. Existing law, beginning January 1, 2023, revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and revises the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws, as specified.

This bill would include the component on state and federal fair housing laws in the real estate practice course instead of the legal aspects

of real estate course, and would further delay the revision to the real estate practice course until January 1, 2024.

(8) Under existing law, the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law authorizes the department to establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the Secretary of Food and Agriculture to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

Existing law requires that the state standards of weights and measures by which all state and county standards of weights and measures are required to be tried, proved, and sealed include, among other specified standards, metrological standards in the possession of laboratories certified to perform measurement services pursuant to the above-described law.

This bill would update the cross-reference to the law governing certification of laboratories to perform measurement services in the above-described provision.

(9) 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.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1753.55 of the Business and Professions  
2 Code is amended to read:  
3 1753.55. (a) A registered dental assistant in extended functions  
4 is authorized to perform the additional duties as set forth in  
5 subdivision (b) pursuant to the order, control, and full professional  
6 responsibility of a supervising dentist, if the licensee meets one of  
7 the following requirements:  
8 (1) Is licensed on or after January 1, 2010.  
9 (2) Is licensed ~~prior to~~ *before* January 1, 2010, and has  
10 successfully completed a board-approved course in the additional

1 procedures specified in paragraphs (1), (2), (5), and (7) to (11),  
2 inclusive, of subdivision (b) of Section 1753.5.

3 (b) (1) Determine which radiographs to perform on a patient  
4 who has not received an initial examination by the supervising  
5 dentist for the specific purpose of the dentist making a diagnosis  
6 and treatment plan for the patient. In these circumstances, the  
7 dental assistant in extended functions shall follow protocols  
8 established by the supervising dentist. This paragraph only applies  
9 in the following settings:

10 (A) In a dental office setting.

11 (B) In public health settings, using telehealth, as defined by  
12 Section 2290.5, for the purpose of communication with the  
13 supervising dentist, including, but not limited to, schools, head  
14 start and preschool programs, and community clinics, under the  
15 general supervision of a dentist.

16 (2) Place protective restorations, which for this purpose are  
17 identified as interim therapeutic restorations, and defined as a  
18 direct provisional restoration placed to stabilize the tooth until a  
19 licensed dentist diagnoses the need for further definitive treatment.  
20 An interim therapeutic restoration consists of the removal of soft  
21 material from the tooth using only hand instrumentation, without  
22 the use of rotary instrumentation, and subsequent placement of an  
23 adhesive restorative material. Local anesthesia shall not be  
24 necessary for interim therapeutic restoration placement. Interim  
25 therapeutic restorations shall be placed only in accordance with  
26 both of the following:

27 (A) In either of the following settings:

28 (i) In a dental office setting, under the direct or general  
29 supervision of a dentist as determined by the dentist.

30 (ii) In public health settings, using telehealth, as defined by  
31 Section 2290.5, for the purpose of communication with the  
32 supervising dentist, including, but not limited to, schools, head  
33 start and preschool programs, and community clinics, under the  
34 general supervision of a dentist.

35 (B) After the diagnosis, treatment plan, and instruction to  
36 perform the procedure provided by a dentist.

37 (c) The functions described in subdivision (b) may be performed  
38 by a registered dental assistant in extended functions only after  
39 completion of a program that includes training in performing those

1 functions, or after providing evidence, satisfactory to the board,  
2 of having completed a board-approved course in those functions.

3 (d) No later than January 1, 2018, the board shall adopt  
4 regulations to establish requirements for courses of instruction for  
5 the procedures authorized to be performed by a registered dental  
6 assistant in extended functions pursuant to this section using the  
7 competency-based training protocols established by the Health  
8 Workforce Pilot Project (HWPP) No. 172 through the ~~Office of~~  
9 ~~Statewide Health Planning and Development.~~ *Department of Health*  
10 *Care Access and Information.* The board shall submit to the  
11 committee proposed regulatory language for the curriculum for  
12 the Interim Therapeutic Restoration to the committee for the  
13 purpose of promulgating regulations for registered dental hygienists  
14 and registered dental hygienists in alternative practice as described  
15 in Section 1910.5. The language submitted by the board shall  
16 mirror the instructional curriculum for the registered dental  
17 assistant in extended functions. Any subsequent amendments to  
18 the regulations that are promulgated by the board for the Interim  
19 Therapeutic Restoration curriculum shall be submitted to the  
20 committee.

21 (e) The board may issue a permit to a registered dental assistant  
22 in extended functions who files a completed application, including  
23 the fee, to provide the duties specified in this section after the board  
24 has determined the registered dental assistant in extended functions  
25 has completed the coursework required in subdivision (c).

26 (f) This section shall become operative on January 1, 2018.

27 SEC. 2. Section 1910.5 of the Business and Professions Code  
28 is amended to read:

29 1910.5. (a) In addition to the duties specified in Section 1910,  
30 a registered dental hygienist is authorized to perform the following  
31 additional duties, as specified:

32 (1) Determine which radiographs to perform on a patient who  
33 has not received an initial examination by the supervising dentist  
34 for the specific purpose of the dentist making a diagnosis and  
35 treatment plan for the patient. In these circumstances, the dental  
36 hygienist shall follow protocols established by the supervising  
37 dentist. This paragraph only applies in the following settings:

38 (A) In a dental office setting.

39 (B) In a public health setting, using telehealth, as defined by  
40 Section 2290.5, for the purpose of communication with the



1 supervising dentist, including, but not limited to, schools, head  
2 start and preschool programs, and community clinics.

3 (2) Place protective restorations, which for this purpose are  
4 identified as interim therapeutic restorations, and defined as a  
5 direct provisional restoration placed to stabilize the tooth until a  
6 licensed dentist diagnoses the need for further definitive treatment.  
7 An interim therapeutic restoration consists of the removal of soft  
8 material from the tooth using only hand instrumentation, without  
9 the use of rotary instrumentation, and subsequent placement of an  
10 adhesive restorative material. Local anesthesia shall not be  
11 necessary for interim therapeutic restoration placement. Interim  
12 therapeutic restorations shall be placed only in accordance with  
13 both of the following:

14 (A) In either of the following settings:

15 (i) In a dental office setting.

16 (ii) In a public health setting, using telehealth, as defined by  
17 Section 2290.5, for the purpose of communication with the  
18 supervising dentist, including, but not limited to, schools, head  
19 start and preschool programs, and community clinics.

20 (B) After the diagnosis, treatment plan, and instruction to  
21 perform the procedure provided by a dentist.

22 (b) The functions described in subdivision (a) may be performed  
23 by a registered dental hygienist only after completion of a program  
24 that includes training in performing those functions, or after  
25 providing evidence, satisfactory to the dental hygiene board, of  
26 having completed a dental hygiene board-approved course in those  
27 functions.

28 (c) No later than January 1, 2018, the dental hygiene board shall  
29 adopt regulations to establish requirements for courses of  
30 instruction for the procedures authorized to be performed by a  
31 registered dental hygienist and registered dental hygienist in  
32 alternative practice pursuant to Sections 1910.5 and 1926.05, using  
33 the competency-based training protocols established by the Health  
34 Workforce Pilot Project (HWPP) No. 172 through the ~~Office of~~  
35 ~~Statewide Health Planning and Development.~~ *Department of Health*  
36 *Care Access and Information.* The dental hygiene board shall use  
37 the curriculum submitted by the board pursuant to Section 1753.55  
38 to adopt regulatory language for approval of courses of instruction  
39 for the interim therapeutic restoration. Any subsequent amendments  
40 to the regulations for the interim therapeutic restoration curriculum

1 that are promulgated by the dental hygiene board shall be agreed  
2 upon by the board and the dental hygiene board.

3 (d) This section shall become operative on January 1, 2018.

4 SEC. 3. Section 1922 of the Business and Professions Code is  
5 amended to read:

6 1922. The dental hygiene board shall license as a registered  
7 dental hygienist in alternative practice a person who demonstrates  
8 satisfactory performance on an examination in California law and  
9 ethics required by the dental hygiene board and who completes an  
10 application form and pays all application fees required by the dental  
11 hygiene board and meets either of the following requirements:

12 (a) Holds a current California license as a registered dental  
13 hygienist and meets the following requirements:

14 (1) Has been engaged in the practice of dental hygiene, as  
15 defined in Section 1908, as a registered dental hygienist in any  
16 setting, including, but not limited to, educational settings and public  
17 health settings, for a minimum of 2,000 hours during the  
18 immediately preceding 36 months.

19 (2) Has successfully completed a bachelor's degree or its  
20 equivalent, recognized as a minimum of 120 semester credit hours  
21 or 180 quarter credit hours in postsecondary education, from a  
22 college or institution of higher education that is accredited by a  
23 national or regional accrediting agency recognized by the United  
24 States Department of Education, and a minimum of 150 hours of  
25 additional educational requirements, as prescribed by the dental  
26 hygiene board by regulation, that are consistent with good dental  
27 and dental hygiene practice, including, but not necessarily limited  
28 to, dental hygiene technique and theory including gerontology and  
29 medical emergencies, and business administration and practice  
30 management.

31 (b) Has received a letter of acceptance into the employment  
32 utilization phase of the Health Workforce Pilot Project No. 155  
33 established by the ~~Office of Statewide Health Planning and~~  
34 ~~Development~~ *Department of Health Care Access and Information*  
35 pursuant to Article 1 (commencing with Section 128125) of  
36 Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

37 SEC. 4. Section 1926 of the Business and Professions Code is  
38 amended to read:

39 1926. In addition to practices authorized in Section 1925, a  
40 registered dental hygienist in alternative practice may perform the

1 duties authorized pursuant to subdivision (a) of Section 1907,  
2 subdivision (a) of Section 1908, and subdivisions (a) and (b) of  
3 Section 1910 in the following settings:

- 4 (a) Residences of the homebound.
- 5 (b) Schools.
- 6 (c) Residential facilities and other institutions and medical  
7 settings that a residential facility patient has been transferred to  
8 for outpatient services.

9 (d) Dental health professional shortage areas, as certified by the  
10 ~~Office of Statewide Health Planning and Development~~ *Department*  
11 *of Health Care Access and Information* in accordance with existing  
12 office guidelines.

13 (e) Dental offices.  
14 SEC. 5. Section 1926.01 of the Business and Professions Code  
15 is amended to read:

16 1926.01. (a) In addition to practices authorized in Section  
17 1925, a registered dental hygienist in alternative practice may  
18 perform the duties authorized pursuant to subdivisions (a) and (b)  
19 of Section 1909 with documented consultation with a collaborating  
20 dentist in the following settings:

- 21 (1) Residences of the homebound.
- 22 (2) Residential facilities and other institutions and medical  
23 settings that a residential facility patient has been transferred to  
24 for outpatient services.
- 25 (3) Dental health professional shortage areas, as certified by the  
26 ~~Office of Statewide Health Planning and Development~~ *Department*  
27 *of Health Care Access and Information* in accordance with existing  
28 office guidelines.

29 (4) Dental offices.  
30 (b) The registered dental hygienist in alternative practice shall  
31 have all of the following immediately available when services  
32 authorized in this section are being performed:

- 33 (1) One additional individual trained in basic life support  
34 qualified to administer cardiopulmonary resuscitation during an  
35 emergency.
- 36 (2) Equipment and supplies for emergency response, including  
37 oxygen.

38 SEC. 6. Section 1926.05 of the Business and Professions Code  
39 is amended to read:

1 1926.05. (a) In addition to the duties specified in Section 1926,  
2 a registered dental hygienist in alternative practice is authorized  
3 to perform the duties pursuant to Section 1910.5, in the following  
4 settings:

- 5 (1) Residences of the homebound.
- 6 (2) Schools.
- 7 (3) Residential facilities and other institutions.
- 8 (4) Dental or medical settings.
- 9 (5) Dental health professional shortage areas, as certified by the  
10 ~~Office of Statewide Health Planning and Development~~ *Department*  
11 *of Health Care Access and Information* in accordance with existing  
12 office guidelines.

13 (b) A registered dental hygienist in alternative practice is  
14 authorized to perform the duties pursuant to paragraph (2) of  
15 subdivision (a) of Section 1910.5 in the settings specified in this  
16 section after there has been a diagnosis, treatment plan, and  
17 instruction to perform the procedure provided by a dentist.

18 SEC. 7. Section 1936.1 of the Business and Professions Code  
19 is amended to read:

20 1936.1. (a) The dental hygiene board shall require, as a  
21 condition of license renewal, that licensees submit assurances  
22 satisfactory to the dental hygiene board that they ~~will, had,~~ during  
23 ~~the succeeding~~ *preceding* two-year period, ~~inform~~ *informed*  
24 themselves of the developments in the practice of dental hygiene  
25 occurring since the original issuance of their licenses by pursuing  
26 one or more courses of study satisfactory to the dental hygiene  
27 board, or by other means deemed equivalent by the dental hygiene  
28 board. The dental hygiene board shall adopt, amend, and revoke  
29 regulations providing for the suspension of the licenses at the end  
30 of the two-year period until compliance with the assurances  
31 provided for in this section is accomplished. The dental hygiene  
32 board shall conduct random audits of at least 5 percent of the  
33 licensee population each year to ensure compliance of the  
34 continuing education requirement.

35 (b) The dental hygiene board shall also, as a condition of license  
36 renewal, require licensees to successfully complete a portion of  
37 the required continuing education hours in specific areas adopted  
38 in regulations by the dental hygiene board. The dental hygiene  
39 board may prescribe this mandatory coursework within the general  
40 areas of patient care, health and safety, and law and ethics. The

1 mandatory coursework prescribed by the dental hygiene board  
2 shall not exceed seven and one-half hours per renewal period. Any  
3 mandatory coursework required by the dental hygiene board shall  
4 be credited toward the continuing education requirements  
5 established by the dental hygiene board pursuant to subdivision  
6 (a).

7 (c) The providers of courses referred to in this section shall be  
8 approved by the dental hygiene board. Providers approved by the  
9 dental board shall be deemed approved by the dental hygiene board.

10 SEC. 8. Section 2240 of the Business and Professions Code is  
11 amended to read:

12 2240. (a) A physician and surgeon who performs a medical  
13 procedure outside of a general acute care hospital, as defined in  
14 subdivision (a) of Section 1250 of the Health and Safety Code,  
15 that results in the death of any patient on whom that medical  
16 treatment was performed by the physician and surgeon, or by a  
17 person acting under the physician and surgeon's orders or  
18 supervision, shall report, in writing on a form prescribed by the  
19 board, that occurrence to the board within 15 days after the  
20 occurrence.

21 (b) A physician and surgeon who performs a scheduled medical  
22 procedure outside of a general acute care hospital, as defined in  
23 subdivision (a) of Section 1250 of the Health and Safety Code,  
24 that results in the transfer to a hospital or emergency center for  
25 medical treatment for a period exceeding 24 hours, of any patient  
26 on whom that medical treatment was performed by the physician  
27 and surgeon, or by a person acting under the physician and  
28 surgeon's orders or supervision, shall report, in writing, on a form  
29 prescribed by the board that occurrence, within 15 days after the  
30 occurrence. The form shall contain all of the following information:

- 31 (1) Name of the patient's physician in the outpatient setting.
- 32 (2) Name of the physician with hospital privileges.
- 33 (3) Name of the patient and patient identifying information.
- 34 (4) Name of the hospital or emergency center where the patient  
35 was transferred.
- 36 (5) Type of outpatient procedures being performed.
- 37 (6) Events triggering the transfer.
- 38 (7) Duration of the hospital stay.
- 39 (8) Final disposition or status, if not released from the hospital,  
40 of the patient.

1 (9) Physician's practice specialty and ABMS certification, if  
2 applicable.

3 (c) The form described in subdivision (b) shall be constructed  
4 in a format to enable the physician and surgeon to transmit the  
5 information in paragraphs (5) to (9), inclusive, to the board in a  
6 manner that the physician and surgeon and the patient are  
7 anonymous and their identifying information is not transmitted to  
8 the board. The entire form containing information described in  
9 paragraphs (1) to (9), inclusive, shall be placed in the patient's  
10 medical record.

11 (d) The board shall aggregate the data and publish an annual  
12 report on the information collected pursuant to subdivisions (a)  
13 and (b).

14 (e) On and after January 1, 2002, the data required in subdivision  
15 (b) shall be sent to the ~~Office of Statewide Health Planning and~~  
16 ~~Development (OSHPD)~~ *Department of Health Care Access and*  
17 *Information* instead of the board. ~~OSHPD~~ *The Department of*  
18 *Health Care Access and Information* may revise the reporting  
19 requirements to fit state and national standards, as applicable. The  
20 board shall work with ~~OSHPD~~ *the Department of Health Care*  
21 *Access and Information* in developing the reporting mechanism  
22 to satisfy the data collection requirements of this section.

23 (f) The failure to comply with this section constitutes  
24 unprofessional conduct.

25 SEC. 9. Section 2401 of the Business and Professions Code is  
26 amended to read:

27 2401. (a) Notwithstanding Section 2400, a clinic operated  
28 primarily for the purpose of medical education by a public or  
29 private nonprofit university medical school, which is approved by  
30 the board or the Osteopathic Medical Board of California, may  
31 charge for professional services rendered to teaching patients by  
32 licensees who hold academic appointments on the faculty of the  
33 university, if the charges are approved by the physician and surgeon  
34 in whose name the charges are made.

35 (b) Notwithstanding Section 2400, a clinic operated under  
36 subdivision (p) of Section 1206 of the Health and Safety Code  
37 may employ licensees and charge for professional services rendered  
38 by those licensees. However, the clinic shall not interfere with,  
39 control, or otherwise direct the professional judgment of a

1 physician and surgeon in a manner prohibited by Section 2400 or  
2 any other law.

3 (c) Notwithstanding Section 2400, a narcotic treatment program  
4 operated under Section 11876 of the Health and Safety Code and  
5 regulated by the State Department of Health Care Services, may  
6 employ licensees and charge for professional services rendered by  
7 those licensees. However, the narcotic treatment program shall  
8 not interfere with, control, or otherwise direct the professional  
9 judgment of a physician and surgeon in a manner prohibited by  
10 Section 2400 or any other law.

11 (d) Notwithstanding Section 2400, a hospital that is owned and  
12 operated by a licensed charitable organization, that offers only  
13 pediatric subspecialty care, that, ~~prior to~~ *before* January 1, 2013,  
14 employed licensees on a salary basis, and that has not charged for  
15 professional services rendered to patients may, commencing  
16 January 1, 2013, charge for professional services rendered to  
17 patients, provided the following conditions are met:

18 (1) The hospital does not increase the number of salaried  
19 licensees by more than five licensees each year.

20 (2) The hospital does not expand its scope of services beyond  
21 pediatric subspecialty care.

22 (3) The hospital accepts each patient needing its scope of  
23 services regardless of ~~his or her~~ *the patient's* ability to pay,  
24 including whether the patient has any form of health care coverage.

25 (4) The medical staff concur by an affirmative vote that the  
26 licensee's employment is in the best interest of the communities  
27 served by the hospital.

28 (5) The hospital does not interfere with, control, or otherwise  
29 direct a physician and surgeon's professional judgment in a manner  
30 prohibited by Section 2400 or any other law.

31 (e) (1) Notwithstanding Section 2400, until January 1, 2024, a  
32 federally certified critical access hospital may employ licensees  
33 and charge for professional services rendered by those licensees  
34 to patients, provided both of the following conditions are met:

35 (A) The medical staff concur by an affirmative vote that the  
36 licensee's employment is in the best interest of the communities  
37 served by the hospital.

38 (B) The hospital does not interfere with, control, or otherwise  
39 direct a physician and surgeon's professional judgment in a manner  
40 prohibited by Section 2400 or any other law.

1 (2) (A) On or before July 1, 2023, the ~~Office of Statewide~~  
2 ~~Health Planning and Development~~ *Department of Health Care*  
3 *Access and Information* shall provide a report to the Legislature  
4 containing data about the impact of paragraph (1) on federally  
5 certified critical access hospitals and their ability to recruit and  
6 retain physicians and surgeons between January 1, 2017, and  
7 January 1, 2023, inclusive. This report shall be submitted in  
8 compliance with Section 9795 of the Government Code. The  
9 requirement for submitting a report imposed under this  
10 subparagraph is inoperative on July 1, 2027.

11 (B) The ~~office~~ *Department of Health Care Access and*  
12 *Information* shall determine the format of the report, as well as the  
13 methods and data elements to be utilized in the development of  
14 the report.

15 (C) On and after July 1, 2017, a federally certified critical access  
16 hospital that is employing licensees and charging for professional  
17 services rendered by those licensees to patients under this section  
18 shall submit to the office, on or before July 1 of each year, a report  
19 for any year in which that hospital has employed or is employing  
20 licensees and charging for professional services rendered by those  
21 licensees to patients. The report shall include data elements as  
22 required by the office and shall be submitted in a format as required  
23 by the ~~office~~. *Department of Health Care Access and Information*.  
24 The requirement for submitting reports imposed under this  
25 subparagraph shall be inoperative on July 1, 2023.

26 SEC. 10. Section 2435.1 of the Business and Professions Code  
27 is amended to read:

28 2435.1. (a) In addition to the fees charged for the initial  
29 issuance or biennial renewal of a physician and surgeon's certificate  
30 pursuant to Section 2435, and at the time those fees are charged,  
31 the board shall charge each applicant or renewing licensee an  
32 additional twenty-five dollar (\$25) fee for the purposes of this  
33 section.

34 (b) Payment of this twenty-five dollar (\$25) fee shall be  
35 voluntary, paid at the time of application for initial licensure or  
36 biennial renewal, and due and payable along with the fee for the  
37 initial certificate or biennial renewal.

38 (c) The board shall transfer all funds collected pursuant to this  
39 section, on a monthly basis, to the ~~Office of Statewide Health~~  
40 ~~Planning and Development~~ *Department of Health Care Access*



1 *and Information* to augment the local assistance line item of the  
2 annual Budget Act in support of the Song-Brown Family Physician  
3 Training Act (Article 1 (commencing with Section 128200) of  
4 Chapter 4 of Part 3 of Division 107 of the Health and Safety Code).

5 SEC. 11. Section 2516 of the Business and Professions Code  
6 is amended to read:

7 2516. (a) Each licensed midwife who assists, or supervises a  
8 student midwife in assisting, in childbirth that occurs in an  
9 out-of-hospital setting shall annually report to the ~~Office of~~  
10 ~~Statewide Health Planning and Development.~~ *Department of Health*  
11 *Care Access and Information*. The report shall be submitted no  
12 later than March 30, for the prior calendar year, in a form specified  
13 by the board and shall contain all of the following:

14 (1) The midwife's name and license number.

15 (2) The calendar year being reported.

16 (3) The following information with regard to cases in California  
17 in which the midwife, or the student midwife supervised by the  
18 midwife, assisted during the previous year when the intended place  
19 of birth at the onset of care was an out-of-hospital setting:

20 (A) The total number of clients served as primary caregiver at  
21 the onset of care.

22 (B) The number by county of live births attended as primary  
23 caregiver.

24 (C) The number, by county, of cases of fetal demise, infant  
25 deaths, and maternal deaths attended as primary caregiver at the  
26 discovery of the demise or death.

27 (D) The number of women whose primary care was transferred  
28 to another health care practitioner during the antepartum period,  
29 and the reason for each transfer.

30 (E) The number, reason, and outcome for each elective hospital  
31 transfer during the intrapartum or postpartum period.

32 (F) The number, reason, and outcome for each urgent or  
33 emergency transport of an expectant mother in the antepartum  
34 period.

35 (G) The number, reason, and outcome for each urgent or  
36 emergency transport of an infant or mother during the intrapartum  
37 or immediate postpartum period.

38 (H) The number of planned out-of-hospital births at the onset  
39 of labor and the number of births completed in an out-of-hospital  
40 setting.

1 (I) The number of planned out-of-hospital births completed in  
2 an out-of-hospital setting that were any of the following:  
3 (i) Twin births.  
4 (ii) Multiple births other than twin births.  
5 (iii) Breech births.  
6 (iv) Vaginal births after the performance of a cesarean section.  
7 (J) A brief description of any complications resulting in the  
8 morbidity or mortality of a mother or a neonate.  
9 (K) Any other information prescribed by the board in  
10 regulations.  
11 (b) ~~The Office of Statewide Health Planning and Development~~  
12 *Department of Health Care Access and Information* shall maintain  
13 the confidentiality of the information submitted pursuant to this  
14 section, and shall not permit any law enforcement or regulatory  
15 agency to inspect or have copies made of the contents of any  
16 reports submitted pursuant to subdivision (a) for any purpose,  
17 including, but not limited to, investigations for licensing,  
18 certification, or regulatory purposes.  
19 (c) ~~The office~~ *Department of Health Care Access and*  
20 *Information* shall report to the board, by April 30, those licensees  
21 who have met the requirements of subdivision (a) for that year.  
22 (d) The board shall send a written notice of noncompliance to  
23 each licensee who fails to meet the reporting requirement of  
24 subdivision (a). Failure to comply with subdivision (a) will result  
25 in the midwife being unable to renew ~~his or her~~ *their* license  
26 without first submitting the requisite data to the ~~Office of Statewide~~  
27 ~~Health Planning and Development~~ *Department of Health Care*  
28 *Access and Information* for the year for which that data was  
29 missing or incomplete. The board shall not take any other action  
30 against the licensee for failure to comply with subdivision (a).  
31 (e) The board, in consultation with the ~~office~~ *Department of*  
32 *Health Care Access and Information* and the Midwifery Advisory  
33 Council, shall devise a coding system related to data elements that  
34 require coding in order to assist in both effective reporting and the  
35 aggregation of data pursuant to subdivision (f). The ~~office~~  
36 *Department of Health Care Access and Information* shall utilize  
37 this coding system in its processing of information collected for  
38 purposes of subdivision (f).  
39 (f) ~~The office~~ *Department of Health Care Access and*  
40 *Information* shall report the aggregate information collected

1 pursuant to this section to the board by July 30 of each year. The  
2 board shall include this information in its annual report to the  
3 Legislature.

4 (g) The board, with input from the Midwifery Advisory Council,  
5 may adjust the data elements required to be reported to better  
6 coordinate with other reporting systems, including the reporting  
7 system of the Midwives Alliance of North America (MANA),  
8 while maintaining the data elements unique to California. To better  
9 capture data needed for the report required by this section, the  
10 concurrent use of systems, including MANA's, by licensed  
11 midwives is encouraged.

12 (h) Notwithstanding any other law, a violation of this section  
13 shall not be a crime.

14 SEC. 12. Section 2725.4 of the Business and Professions Code  
15 is amended to read:

16 2725.4. ~~Notwithstanding any other provision of this chapter,~~  
17 the following shall apply:

18 (a) In order to perform an abortion by aspiration techniques  
19 pursuant to Section 2253, a person with a license or certificate to  
20 practice as a nurse practitioner or a certified nurse-midwife shall  
21 complete training recognized by the Board of Registered Nursing.  
22 Beginning January 1, 2014, and until January 1, 2016, the  
23 competency-based training protocols established by Health  
24 Workforce Pilot Project (HWPP) No. 171 through the ~~Office of~~  
25 ~~Statewide Health Planning and Development~~ *Department of Health*  
26 *Care Access and Information* shall be used.

27 (b) In order to perform an abortion by aspiration techniques  
28 pursuant to Section 2253, a person with a license or certificate to  
29 practice as a nurse practitioner or a certified nurse-midwife shall  
30 adhere to standardized procedures developed in compliance with  
31 subdivision (c) of Section 2725 that specify all of the following:

32 (1) The extent of supervision by a physician and surgeon with  
33 relevant training and expertise.

34 (2) Procedures for transferring patients to the care of the  
35 physician and surgeon or a hospital.

36 (3) Procedures for obtaining assistance and consultation from  
37 a physician and surgeon.

38 (4) Procedures for providing emergency care until physician  
39 assistance and consultation are available.

1 (5) The method of periodic review of the provisions of the  
2 standardized procedures.

3 (c) A nurse practitioner or certified nurse-midwife who has  
4 completed training and achieved clinical competency through  
5 HWPP No. 171 shall be authorized to perform abortions by  
6 aspiration techniques pursuant to Section 2253, in adherence to  
7 standardized procedures described in subdivision (b).

8 (d) It is unprofessional conduct for any nurse practitioner or  
9 certified nurse-midwife to perform an abortion by aspiration  
10 techniques pursuant to Section 2253 without prior completion of  
11 training and validation of clinical competency.

12 SEC. 13. Section 2746.55 of the Business and Professions  
13 Code is amended to read:

14 2746.55. (a) For all maternal or neonatal transfers to the  
15 hospital setting during labor or the immediate postpartum period,  
16 for which the intended place of birth was an out-of-hospital setting  
17 at the onset of labor, or for any maternal, fetal, or neonatal death  
18 that occurred in the out-of-hospital setting during labor or the  
19 immediate postpartum period, and for which the intended birth  
20 care provider is a certified nurse-midwife in the out-of-hospital  
21 setting, the department shall collect, and the certified nurse-midwife  
22 shall be required to submit, within 90 days of the transfer or death,  
23 the following data in the form determined by the department. The  
24 data shall include all of the following:

25 (1) Attendant's name, for the certified nurse-midwife who  
26 attended the patient at the time of transfer, or who attended the  
27 patient at the time of maternal, fetal, or neonatal death.

28 (2) Attendant's license number, for the certified nurse-midwife  
29 who attended the patient at the time of transfer, or who attended  
30 the patient at the time of maternal, fetal, or neonatal death.

31 (3) The child's date of delivery for births attended by the  
32 nurse-midwife.

33 (4) The sex of the child, for births attended by the  
34 nurse-midwife.

35 (5) The date of birth of the parent giving birth.

36 (6) The date of birth of the parent not giving birth.

37 (7) The residence ZIP Code of the parent giving birth.

38 (8) The residence county of the parent giving birth.

39 (9) The weight of the parent giving birth (prepregnancy weight  
40 and delivery weight of parent giving birth).

- 1 (10) The height of the parent giving birth.
- 2 (11) The race and ethnicity of the genetic parents, unless the
- 3 parent declines to disclose.
- 4 (12) The obstetric estimate of gestation (completed weeks), at
- 5 time of transfer.
- 6 (13) The total number of prior live births.
- 7 (14) The principal source of payment code for delivery.
- 8 (15) Any complications and procedures of pregnancy and
- 9 concurrent illnesses up until time of transfer or death.
- 10 (16) Any complications and procedures of labor and delivery
- 11 up until time of transfer or death.
- 12 (17) Any abnormal conditions and clinical procedures related
- 13 to the newborn up until time of transfer or death.
- 14 (18) Fetal presentation at birth, or up until time of transfer.
- 15 (19) Whether this pregnancy is a multiple pregnancy (more than
- 16 one fetus this pregnancy).
- 17 (20) Whether the patient has had a previous cesarean section.
- 18 (21) If the patient had a previous cesarean, indicate how many.
- 19 (22) The intended place of birth at the onset of labor, including,
- 20 but not limited to, home, freestanding birth center, hospital, clinic,
- 21 doctor's office, or other location.
- 22 (23) Whether there was a maternal death.
- 23 (24) Whether there was a fetal death.
- 24 (25) Whether there was a neonatal death.
- 25 (26) Hospital transfer during the intrapartum or postpartum
- 26 period, including, who was transferred (mother, infant, or both)
- 27 and the complications, abnormal conditions, or other indications
- 28 that resulted in the transfer.
- 29 (27) The name of the transfer hospital, or other hospital
- 30 identification method as required, such as the hospital identification
- 31 number.
- 32 (28) The county of the transfer hospital.
- 33 (29) The ZIP Code of the transfer hospital.
- 34 (30) The date of the transfer.
- 35 (31) Other information as prescribed by the State Department
- 36 of Public Health.
- 37 (b) In the event of a maternal, fetal, or neonatal death that
- 38 occurred in an out-of-hospital setting during labor or the immediate
- 39 postpartum period, a certified nurse-midwife shall submit to the

1 department, within 90 days of the death, all of the following data  
2 in addition to the data required in subdivision (a):  
3 (1) The date of the maternal, neonatal, or fetal death.  
4 (2) The place of delivery, for births attended by the  
5 nurse-midwife.  
6 (3) The county of the place of delivery, for births attended by  
7 the nurse-midwife.  
8 (4) The ZIP Code of the place of delivery, for births attended  
9 by the nurse-midwife.  
10 (5) The APGAR scores, for births attended by the  
11 nurse-midwife.  
12 (6) The birthweight, for births attended by the nurse-midwife.  
13 (7) The method of delivery, for births attended by the  
14 nurse-midwife.  
15 (c) The data submitted pursuant to subdivisions (a) and (b) shall  
16 be in addition to the certificate of live birth information required  
17 pursuant to Sections 102425 and 102426 of the Health and Safety  
18 Code.  
19 (d) For those cases that involve a hospital transfer, the  
20 department shall link the data submitted by the certified  
21 nurse-midwife, pursuant to subdivision (a), to the live birth data  
22 reported by hospitals to the department, pursuant to Sections  
23 102425 and 102426 of the Health and Safety Code, and to the  
24 patient discharge data that reflects the birth hospitalization and  
25 reported by hospitals to the ~~Office of Statewide Health Planning~~  
26 ~~and Development~~, *Department of Health Care Access and*  
27 *Information*, so that additional data reflecting the outcome can be  
28 incorporated into the aggregated reports submitted pursuant to  
29 subdivision (i).  
30 (e) The department may adjust, improve, or expand the data  
31 elements required to be reported pursuant to subdivisions (a) and  
32 (b) to better coordinate with other data collection and reporting  
33 systems, or in order to collect more accurate data, as long as the  
34 minimum data elements in subdivisions (a) and (b) are preserved.  
35 (f) The department shall treat the information and data gathered  
36 pursuant to this section, for the creation of the reports described  
37 in subdivision (i), as confidential records, and shall not permit the  
38 disclosure of any patient or certified nurse-midwife information  
39 to any law enforcement or regulatory agency for any purpose,  
40 including, but not limited to, investigations for licensing,

1 certification, or regulatory purposes. This subdivision shall not  
2 prevent the department from responding to inquiries from the  
3 Board of Registered Nursing as to whether a licensee has reported  
4 pursuant to this section.

5 (g) The information collected by the department pursuant to  
6 this section, and not otherwise subject to current confidentiality  
7 requirements, shall be treated as confidential records and shall  
8 only be made available for use consistent with paragraph (1) of,  
9 paragraph (4) of, and subparagraph (A) of paragraph (8) of,  
10 subdivision (a) of Section 102430 of the Health and Safety Code  
11 and pursuant to the application, review, and approval process  
12 established by the department pursuant to Section 102465 of the  
13 Health Safety Code.

14 (h) At the time of each certified nurse-midwife's license renewal,  
15 the Board of Registered Nursing shall send a written notification  
16 to the certified nurse-midwife notifying them of the mandated vital  
17 records reporting requirements for out-of-hospital births pursuant  
18 to subdivisions (a) and (b) and Section 102415 of the Health and  
19 Safety Code and that a violation of this section shall subject the  
20 certified nurse-midwife to disciplinary or administrative action by  
21 the board.

22 (i) (1) The department shall report to the Legislature on the  
23 data collected pursuant to this section. The report shall include the  
24 aggregate information, including, but not limited to, birth outcomes  
25 of patients under the care of a certified nurse-midwife in an  
26 out-of-hospital setting at the onset of labor, collected pursuant to  
27 this section and Sections 102425 and 102426 of the Health and  
28 Safety Code.

29 (2) The first report, to reflect a 12-month period of time, shall  
30 be submitted no later than four and one-half years after the State  
31 Department of Public Health receives an appropriation as specified  
32 in ~~subdivision~~ *subdivision* (m) and each subsequent report reflecting  
33 a 12-month reporting period shall be submitted annually to the  
34 Legislature every year thereafter.

35 (3) A report required under this subdivision shall be submitted  
36 in compliance with Section 9795 of the Government Code.

37 (j) All reports, including those submitted to the Legislature or  
38 made publicly available, shall utilize standard public health  
39 reporting practices for accurate dissemination of these data  
40 elements, specifically in regards to the reporting of small numbers

1 in a way that does not risk a confidentiality or other disclosure  
2 breach. No identifying information in regards to the patient or the  
3 nurse-midwife shall be disclosed in the reports submitted pursuant  
4 to subdivision (i).

5 (k) A violation of this section shall subject the certified  
6 nurse-midwife to disciplinary or administrative action by the Board  
7 of Registered Nursing.

8 (l) For purposes of this section, “department” means the State  
9 Department of Public Health.

10 (m) This section shall become operative only upon the  
11 Legislature making an appropriation to implement the provisions  
12 of this section.

13 SEC. 14. Section 2786.3 of the Business and Professions Code  
14 is amended to read:

15 2786.3. (a) Until the end of the 2021–22 academic year, and  
16 whenever the Governor declares a state of emergency for a county  
17 in which an agency or facility used by an approved nursing  
18 program for direct patient care clinical practice is located and is  
19 no longer available due to the conditions giving rise to the state  
20 of emergency, the director of the approved nursing program may  
21 submit to a board nursing education consultant requests to do any  
22 of the following:

23 (1) Utilize a clinical setting during the state of emergency or  
24 until the end of the academic term without the following:

25 (A) Approval by the board.

26 (B) Written agreements with the clinical facility.

27 (C) Submitting evidence of compliance with board regulations  
28 relating to the utilization of clinical settings, except as necessary  
29 for a board nursing education consultant to ensure course objectives  
30 and faculty responsibilities will be met.

31 (2) Utilize preceptorships during the state of emergency or until  
32 the end of the academic term without having to maintain written  
33 policies relating to the following:

34 (A) Identification of criteria used for preceptor selection.

35 (B) Provision for a preceptor orientation program that covers  
36 the policies of the preceptorship and preceptor, student, and faculty  
37 responsibilities.

38 (C) Identification of preceptor qualifications for both the primary  
39 and the relief preceptor.



1 (D) Description of responsibilities of the faculty, preceptor, and  
2 student for the learning experiences and evaluation during  
3 preceptorship.

4 (E) Maintenance of preceptor records that includes names of  
5 all current preceptors, registered nurse licenses, and dates of  
6 preceptorships.

7 (F) Plan for an ongoing evaluation regarding the continued use  
8 of preceptors.

9 (3) Request that the approved nursing program be allowed to  
10 reduce the required number of direct patient care hours to 50  
11 percent in geriatrics and medical-surgical and 25 percent in mental  
12 health-psychiatric nursing, obstetrics, and pediatrics if all of the  
13 following conditions are met:

14 (A) No alternative agency or facility has a sufficient number of  
15 open placements that are available and accessible within 25 miles  
16 of the approved nursing program for direct patient care clinical  
17 practice hours in the same subject matter area. An approved nursing  
18 program shall submit, and not be required to provide more than,  
19 the following:

20 (i) The list of alternative agencies or facilities listed within 25  
21 miles of the impacted approved nursing program, campus, or  
22 location, as applicable, using the facility finder on the ~~Office of~~  
23 ~~Statewide Health Planning and Development's~~ *Department of*  
24 *Health Care Access and Information's internet website.*

25 (ii) The list of courses impacted by the loss of clinical  
26 placements due to the state of emergency and the academic term  
27 the courses are offered.

28 (iii) Whether each of the listed alternative agencies or facilities  
29 would meet the course objectives for the courses requiring  
30 placements.

31 (iv) Whether the approved nursing program has contacted each  
32 of the listed alternative agencies or facilities about the availability  
33 of clinical placements. The approved nursing program shall not  
34 be required to contact a clinical facility that would not meet course  
35 objectives.

36 (v) The date of contact or attempted contact.

37 (vi) The number of open placements at each of the listed  
38 alternative agencies or facilities that are available for the academic  
39 term for each course. If an alternative agency or facility does not  
40 respond within 48 hours, the approved nursing program may list

1 the alternative agency or facility as unavailable. If the alternative  
2 agency or facility subsequently responds ~~prior to~~ *before* the  
3 submission of the request to a board nursing education consultant,  
4 the approved nursing program shall update the list to reflect the  
5 response.

6 (vii) Whether the open and available placements are accessible  
7 to the students and faculty. An open and available placement is  
8 accessible if there are no barriers that otherwise prohibit a student  
9 from entering the facility, including, but not limited to, the lack  
10 of personal protective equipment or cost-prohibitive infectious  
11 disease testing. An individual's personal unwillingness to enter an  
12 alternative agency or facility does not make a placement  
13 inaccessible.

14 (viii) The total number of open and available placements that  
15 are accessible to the students and faculty compared to the total  
16 number of placements needed.

17 (B) The substitute clinical practice hours not in direct patient  
18 care provide a learning experience, as defined by the board  
19 consistent with Section 2708.1, that is at least equivalent to the  
20 learning experience provided by the direct patient care clinical  
21 practice hours.

22 (C) Once the applicable state of emergency has terminated  
23 pursuant to Section 8629 of the Government Code, the temporary  
24 reduction provided in paragraph (3) shall cease as soon as  
25 practicable or by the end of the academic term, whichever is sooner.

26 (D) The substitute clinical practice hours not in direct patient  
27 care that are simulation experiences are based on the best practices  
28 published by the International Nursing Association for Clinical  
29 Simulation and Learning, the National Council of State Boards of  
30 Nursing, the Society for Simulation in Healthcare, or equivalent  
31 standards approved by the board.

32 (E) A maximum of 25 percent of the direct patient care hours  
33 specified in paragraph (3) in geriatrics and medical-surgical may  
34 be completed via telehealth.

35 (4) Request that the approved nursing program allow theory to  
36 precede clinical practice if all of the following conditions are met:

37 (A) No alternative agency or facility located within 25 miles of  
38 the impacted approved nursing program, campus, or location, as  
39 applicable, has a sufficient number of open placements that are  
40 available and accessible to the approved nursing program for direct

1 patient care clinical practice hours in the same subject matter area.  
2 An approved program shall not be required to submit more than  
3 required under subparagraph (A) of paragraph (3).

4 (B) Clinical practice takes place in the academic term  
5 immediately following theory.

6 (C) Theory is taught concurrently with clinical practice not in  
7 direct patient care if no direct patient care experiences are available.

8 (b) If the conditions in paragraphs (1), (2), (3), or (4) of  
9 subdivision (a), as applicable to the request, are met, a board  
10 nursing education consultant shall approve the request. If an  
11 approved nursing program fails to submit information satisfactory  
12 to the board nursing education consultant, or fails to meet the  
13 conditions specified, the board nursing education consultant shall  
14 deny the request. If the request is not approved or denied on or  
15 before 5:00 p.m. on the date seven business days after receipt of  
16 the request, the request shall be deemed approved.

17 (c) (1) Within 30 days of the effective date of this section, the  
18 board's executive officer shall develop a uniform method for  
19 evaluating requests and granting approvals pursuant to this section.

20 (2) The executive officer may revise the uniform method  
21 developed pursuant to this subdivision from time to time, as  
22 necessary. The development or revision of the uniform method  
23 shall be exempt from the requirements of the Administrative  
24 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
25 Part 1 of Title 2 of the Government Code).

26 (3) The board's nursing education consultants shall use the  
27 uniform method to evaluate requests and grant approvals pursuant  
28 to this section.

29 SEC. 15. Section 3502.4 of the Business and Professions Code  
30 is amended to read:

31 3502.4. (a) In order to receive authority from ~~his or her~~ *the*  
32 *physician assistant's* supervising physician and surgeon to perform  
33 an abortion by aspiration techniques pursuant to Section 2253, a  
34 physician assistant shall complete training either through training  
35 programs approved by the board pursuant to Section 3513 or by  
36 training to perform medical services ~~which~~ *that* augment ~~his or~~  
37 ~~her~~ *the physician assistant's* current areas of competency pursuant  
38 to Section 1399.543 of Title 16 of the California Code of  
39 Regulations. Beginning January 1, 2014, and until January 1, 2016,  
40 the training and clinical competency protocols established by

1 Health Workforce Pilot Project (HWPP) No. 171 through the ~~Office~~  
2 ~~of Statewide Health Planning and Development~~ *Department of*  
3 *Health Care Access and Information* shall be used as training and  
4 clinical competency guidelines to meet this requirement.

5 (b) In order to receive authority from ~~his or her~~ *the physician*  
6 *assistant's* supervising physician and surgeon to perform an  
7 abortion by aspiration techniques pursuant to Section 2253, a  
8 physician assistant shall comply with protocols developed in  
9 compliance with Section 3502 that specify:

10 (1) The extent of supervision by a physician and surgeon with  
11 relevant training and expertise.

12 (2) Procedures for transferring patients to the care of the  
13 physician and surgeon or a hospital.

14 (3) Procedures for obtaining assistance and consultation from  
15 a physician and surgeon.

16 (4) Procedures for providing emergency care until physician  
17 assistance and consultation are available.

18 (5) The method of periodic review of the provisions of the  
19 protocols.

20 (c) The training protocols established by HWPP No. 171 shall  
21 be deemed to meet the standards of the board. A physician assistant  
22 who has completed training and achieved clinical competency  
23 through HWPP No. 171 shall be authorized to perform abortions  
24 by aspiration techniques pursuant to Section 2253, in adherence  
25 to protocols described in subdivision (b).

26 (d) It is unprofessional conduct for any physician assistant to  
27 perform an abortion by aspiration techniques pursuant to Section  
28 2253 without prior completion of training and validation of clinical  
29 competency.

30 SEC. 16. Section 3520 of the Business and Professions Code  
31 is amended to read:

32 3520. Within 10 days after the beginning of each calendar  
33 ~~month the Medical Board of California~~ *month, the board* shall  
34 report to the Controller the amount and source of all collections  
35 made under this chapter and at the same time pay all those sums  
36 into the State Treasury, where they shall be credited to the  
37 Physician Assistant Fund, which fund is hereby created. All money  
38 in the fund shall be available, upon appropriation of the Legislature,  
39 to carry out the purpose of this chapter.

1 SEC. 17. Section 3537.10 of the Business and Professions  
2 Code is amended to read:

3 3537.10. (a) Subject to the other provisions of this article, the  
4 ~~Office of Statewide Health Planning and Development~~, *Department*  
5 *of Health Care Access and Information*, hereafter in this article  
6 referred to as the ~~office~~, *department*, shall coordinate the  
7 establishment of an international medical graduate physician  
8 assistant training program, to be conducted at an appropriate  
9 educational institution or institutions. The goal of the program  
10 shall be to place as many international medical graduate physician  
11 assistants in medically underserved areas as possible in order to  
12 provide greater access to care for the growing population of  
13 medically indigent and underserved. The method for accomplishing  
14 this goal shall be to train foreign medical graduates to become  
15 licensed as physician assistants at no cost to the participants in  
16 return for a commitment from the participants to serve full time  
17 in underserved areas for a four-year period.

18 (b) By February 1, 1994, or one month after federal funds to  
19 implement this article become available, whichever occurs later,  
20 the ~~office~~ *department* shall establish a training program advisory  
21 task force. The task force shall be comprised of representatives  
22 from all of the following groups:

- 23 (1) Physician assistant program directors.
- 24 (2) Foreign medical graduates.
- 25 (3) The California Academy of Physician Assistants.
- 26 (4) Nonprofit community health center directors.
- 27 (5) Physicians.
- 28 (6) The board, at the board's option.

29 The ~~office~~ *department* may, instead, serve solely as a consultant  
30 to the task force.

31 (c) The task force shall do all of the following:

32 (1) Develop a recommended curriculum for the training program  
33 that shall be from 12 to 15 months in duration and shall, at a  
34 minimum, meet curriculum standards consistent with the board's  
35 regulations. The program shall be subject to the board's approval.  
36 By April 1, 1994, or three months after federal funds to implement  
37 this article become available, whichever occurs later, the  
38 curriculum shall be presented by the ~~office~~ *department* to the  
39 Committee on Allied Health Education and Accreditation of the

1 American Medical Association, or its successor organization, for  
2 approval.

3 (2) Develop recommended admission criteria for participation  
4 in the pilot and ongoing program.

5 (3) Assist in development of linkages with academic institutions  
6 for the purpose of monitoring and evaluating the pilot program.

7 SEC. 18. Section 3537.15 of the Business and Professions  
8 Code is amended to read:

9 3537.15. (a) ~~Prior to establishment of~~ *Before establishing* an  
10 ongoing international medical graduate physician assistant training  
11 program, the ~~Office of Statewide Health Planning and Development~~  
12 *Department of Health Care Access and Information* shall  
13 coordinate the establishment of a pilot program commencing  
14 September 1, 1994, or eight months after federal funds to  
15 implement this article become available, whichever occurs later,  
16 to test the validity and effectiveness of the recommended training  
17 curriculum developed by the task force. The task force shall, with  
18 the advice and assistance of the academic institutions offering the  
19 pilot program curriculum, and subject to their approval, select 10  
20 international medical graduates to participate in the pilot program.

21 (b) After two classes have graduated from the pilot program,  
22 the task force, with the advice and assistance of the academic  
23 institutions, shall evaluate the results of the pilot program, to  
24 determine whether a permanent program should be established.  
25 The ~~office department~~ may modify curriculum as needed and make  
26 appropriate revisions in order to ensure program integrity and  
27 compliance with established standards. Any permanent  
28 international medical graduate physician assistant training program  
29 shall commence at the beginning of the year following the  
30 completion of the evaluation.

31 SEC. 19. Section 3537.25 of the Business and Professions  
32 Code is amended to read:

33 3537.25. Both the pilot and the ongoing training program shall  
34 provide training at no cost to the participants in return for a written,  
35 enforceable agreement by the participants to, upon obtaining  
36 licensure under this article, serve a minimum of four years as a  
37 full-time physician assistant in an area of California designated  
38 by the ~~Office of Statewide Health Planning and Development~~  
39 *Department of Health Care Access and Information* as a medically  
40 underserved area pursuant to Section 3537.35.

1 SEC. 20. Section 3537.30 of the Business and Professions  
2 Code is amended to read:

3 3537.30. (a) The Legislature recognizes that the goal of this  
4 program would be compromised if participants do not observe  
5 their commitments under this program to provide the required  
6 service in a medically underserved area. The goal of this program  
7 would not be met if all that it accomplished was merely to license  
8 physician assistants that served populations that are not medically  
9 underserved.

10 (b) Since damages would be difficult or impossible to ascertain  
11 in the event of default by the participant, this section shall set forth  
12 the extent of liquidated damages that shall be recoverable by the  
13 program in the case of default.

14 (c) In the case of default by a participant who has successfully  
15 completed the program and has obtained licensure under this  
16 article, the program shall collect the following damages from the  
17 participant:

18 (1) The total cost expended by the program for the training of  
19 the applicant, and interest thereon from the date of default.

20 (2) The total amount needed for the program to seek cover as  
21 set forth in subdivision (b) of Section 3537.35.

22 (3) The costs of enforcement, including, but not limited to, the  
23 costs of collecting the liquidated damages, the costs of litigation,  
24 and attorney's fees.

25 (d) The Attorney General may represent the ~~office~~, *department*,  
26 or the board, or both in any litigation necessitated by this article,  
27 or, if the Attorney General declines, the ~~office~~, *department*, or the  
28 board, or both may hire other counsel for this purpose.

29 (e) Funds collected pursuant to subdivision (c) shall be allocated  
30 as follows:

31 (1) Costs of training recovered pursuant to paragraph (1) of  
32 subdivision (c) shall be allocated to the ~~office~~ *department* to be  
33 used upon appropriation for the continuing training program  
34 pursuant to this article.

35 (2) Costs of seeking cover recovered pursuant to paragraph (2)  
36 of subdivision (c) shall be deposited in the Physician Assistant  
37 Training Fund established pursuant to Section 3537.40 for the  
38 purposes of providing grants pursuant to subdivision (c) of Section  
39 3537.35.

1 (3) Costs of enforcement recovered pursuant to paragraph (3)  
2 of subdivision (c) shall be allocated between the ~~office, department,~~  
3 and the Attorney General, or other counsel, according to actual  
4 costs.

5 SEC. 21. Section 3537.35 of the Business and Professions  
6 Code is amended to read:

7 ~~3537.35. The Office of Statewide Health Planning and~~  
8 ~~Development~~ *Department of Health Care Access and Information*  
9 shall, in addition to other duties described in this article, do all of  
10 the following:

11 (a) Determine those areas of the state that are medically  
12 underserved in that they have a higher percentage of medically  
13 underserved and indigent persons and would benefit from the  
14 services of additional persons licensed as physician assistants.

15 (b) Determine the total cost of seeking cover as specified in  
16 paragraph (2) of subdivision (c) of Section 3537.30. To determine  
17 the cost, the ~~office~~ *department* shall study the market forces that  
18 are at work creating the scarcity of these physician assistants in  
19 these medically underserved areas, and determine the annual level  
20 of additional funding that would be required by a health facility,  
21 clinic, or other health care provider in those areas to motivate a  
22 physician assistant to serve full-time in those underserved areas.  
23 This amount shall be calculated so that when added to the  
24 prevailing rate for these services in the underserved area, would  
25 make these positions so attractive that physician assistants would  
26 be motivated to serve in those areas. This amount, which shall  
27 equal the cost to the ~~office~~ *department* to place a qualified  
28 physician assistant in the underserved area, times four years shall  
29 be the total cost of seeking cover.

30 (c) Provide grants, as funds become available in the Physician  
31 Assistant Training Fund, to applicant health care providers that  
32 provide services in medically underserved areas for the purpose  
33 of funding additional full-time physician assistant positions in  
34 those areas to provide services in lieu of defaulting physician  
35 assistants. Participating providers shall use these grants to attract  
36 physician assistants that are from outside the area and shall  
37 demonstrate that the grant actually increases the number of  
38 physician assistants serving the underserved population. The  
39 grantee shall demonstrate that the grant did not merely shift a  
40 physician assistant from one medically underserved area to another,



1 but rather, resulted in a net increase in the number of physician  
2 assistants serving the underserved population as a whole. Licensees  
3 under this article shall not directly or indirectly receive grants  
4 under this section.

5 SEC. 22. Section 3537.40 of the Business and Professions  
6 Code is amended to read:

7 3537.40. The Physician Assistant Training Fund is hereby  
8 created in the State Treasury for the purpose of receipt of funds  
9 collected pursuant to paragraph (2) of subdivision (c) of Section  
10 3537.30. The Physician Assistant Training Fund shall be available  
11 to the ~~Office of Statewide Health Planning and Development~~  
12 *Department of Health Care Access and Information* for the purpose  
13 of providing grants pursuant to subdivision (c) of Section 3537.35,  
14 upon appropriation by the Legislature.

15 SEC. 23. Section 3537.50 of the Business and Professions  
16 Code is amended to read:

17 3537.50. No General Fund revenues shall be expended to carry  
18 out this article. The implementation of the pilot program and, if  
19 applicable, the permanent program established by this article shall  
20 be contingent upon the availability of federal funds, which do not  
21 divert or detract from funds currently utilized to underwrite existing  
22 physician assistant training programs or to fund existing functions  
23 of the board. The new funding shall be sufficient to cover the full  
24 additional cost to the educational institution or institutions that  
25 establish the program or programs, the cost of tuition and  
26 attendance for the students in the program or programs, and any  
27 additional costs, including enforcement costs, that the ~~office~~  
28 *department* or the board incurs as a result of implementing this  
29 article. ~~Nothing in this article shall be construed as imposing~~ *This*  
30 *article does not impose* any obligations upon the ~~office,~~  
31 *department,* the board, or any physician assistant training program  
32 in the absence of adequate funding as described in this section.  
33 ~~Nothing in this article shall be construed either as precluding~~ *This*  
34 *article does not preclude* applicants for the program established  
35 by this article from seeking state or federal scholarship funds, or  
36 state and federal loan repayment funds available to physician  
37 assistant students, or ~~as requiring that~~ *require* any applicants be  
38 granted preference in the award of those funds. ~~Nothing in this~~  
39 ~~article shall be construed as impairing~~ *This article does not impair*

1 the autonomy of any institution that offers a physician assistant  
2 training program.

3 SEC. 24. Section 4846.5 of the Business and Professions Code  
4 is amended to read:

5 4846.5. (a) Except as provided in this section, the board shall  
6 issue renewal licenses only to those applicants that have completed  
7 a minimum of 36 hours of continuing education in the preceding  
8 two years.

9 (b) (1) Notwithstanding any other law, continuing education  
10 hours shall be earned by attending courses relevant to veterinary  
11 medicine and sponsored or cosponsored by any of the following:

12 (A) American Veterinary Medical Association (AVMA)  
13 accredited veterinary medical colleges.

14 (B) Accredited colleges or universities offering programs  
15 relevant to veterinary medicine.

16 (C) The American Veterinary Medical Association.

17 (D) American Veterinary Medical Association recognized  
18 specialty or affiliated allied groups.

19 (E) American Veterinary Medical Association's affiliated state  
20 veterinary medical associations.

21 (F) Nonprofit annual conferences established in conjunction  
22 with state veterinary medical associations.

23 (G) Educational organizations affiliated with the American  
24 Veterinary Medical Association or its state affiliated veterinary  
25 medical associations.

26 (H) Local veterinary medical associations affiliated with the  
27 California Veterinary Medical Association.

28 (I) Federal, state, or local government agencies.

29 (J) Providers accredited by the Accreditation Council for  
30 Continuing Medical Education (ACCME) or approved by the  
31 American Medical Association (AMA), providers recognized by  
32 the American Dental Association Continuing Education  
33 Recognition Program (ADA CERP), and AMA or ADA affiliated  
34 state, local, and specialty organizations.

35 (2) Notwithstanding paragraph (1), a total of six hours or less  
36 of the required 36 hours of continuing education may be earned  
37 by doing either of the following, or a combination thereof:

38 (A) Up to six hours may be earned by taking self-study courses,  
39 which may include, but are not limited to, reading journals, viewing  
40 video recordings, or listening to audio recordings.

1 (B) Up to four hours may be earned by providing pro bono  
2 spaying or neutering services under the supervision of a public  
3 animal control agency or shelter, society for the prevention of  
4 cruelty to animals shelter, humane society shelter, or rescue group.  
5 The services shall be administered at a facility that is appropriately  
6 equipped and staffed to provide those services. The service shall  
7 be provided to a household with a demonstrated financial need for  
8 reduced-cost services.

9 (3) The board may approve other continuing veterinary medical  
10 education providers not specified in paragraph (1).

11 (A) The board has the authority to recognize national continuing  
12 education approval bodies for the purpose of approving continuing  
13 education providers not specified in paragraph (1).

14 (B) Applicants seeking continuing education provider approval  
15 shall have the option of applying to the board or to a  
16 board-recognized national approval body.

17 (4) For good cause, the board may adopt an order specifying,  
18 on a prospective basis, that a provider of continuing veterinary  
19 medical education authorized pursuant to paragraph (1) or (3) is  
20 no longer an acceptable provider.

21 ~~(5) Continuing education hours earned by attending courses~~  
22 ~~sponsored or cosponsored by those entities listed in paragraph (1)~~  
23 ~~between January 1, 2000, and January 1, 2001, shall be credited~~  
24 ~~toward a veterinarian's continuing education requirement under~~  
25 ~~this section.~~

26 (c) ~~Every~~ A person renewing ~~his or her~~ *their* license issued  
27 pursuant to Section 4846.4, or ~~any~~ a person applying for relicensure  
28 or for reinstatement of ~~his or her~~ *their* license to active status, shall  
29 submit proof of compliance with this section to the board certifying  
30 that ~~he or she~~ *the person* is in compliance with this section. Any  
31 false statement submitted pursuant to this section shall be a  
32 violation subject to Section 4831.

33 (d) This section shall not apply to a veterinarian's first license  
34 renewal. This section shall apply only to second and subsequent  
35 license renewals granted on or after January 1, 2002.

36 (e) The board shall have the right to audit the records of all  
37 applicants to verify the completion of the continuing education  
38 requirement. Applicants shall maintain records of completion of  
39 required continuing education coursework for a period of four  
40 years and shall make these records available to the board for

1 auditing purposes upon request. If the board, during this audit,  
2 questions whether any course reported by the veterinarian satisfies  
3 the continuing education requirement, the veterinarian shall provide  
4 information to the board concerning the content of the course; the  
5 name of its sponsor and cosponsor, if any; and specify the specific  
6 curricula that was of benefit to the veterinarian.

7 (f) A veterinarian desiring an inactive license or to restore an  
8 inactive license under Section 701 shall submit an application on  
9 a form provided by the board. In order to restore an inactive license  
10 to active status, the veterinarian shall have completed a minimum  
11 of 36 hours of continuing education within the last two years  
12 preceding application. The inactive license status of a veterinarian  
13 shall not deprive the board of its authority to institute or continue  
14 a disciplinary action against a licensee.

15 (g) Knowing misrepresentation of compliance with this article  
16 by a veterinarian constitutes unprofessional conduct and grounds  
17 for disciplinary action or for the issuance of a citation and the  
18 imposition of a civil penalty pursuant to Section 4883.

19 (h) The board, in its discretion, may exempt from the continuing  
20 education requirement any veterinarian who for reasons of health,  
21 military service, or undue hardship cannot meet those requirements.  
22 Applications for waivers shall be submitted on a form provided  
23 by the board.

24 (i) The administration of this section may be funded through  
25 professional license and continuing education provider fees. The  
26 fees related to the administration of this section shall not exceed  
27 the costs of administering the corresponding provisions of this  
28 section.

29 (j) For those continuing education providers not listed in  
30 paragraph (1) of subdivision (b), the board or its recognized  
31 national approval agent shall establish criteria by which a provider  
32 of continuing education shall be approved. The board shall initially  
33 review and approve these criteria and may review the criteria as  
34 needed. The board or its recognized agent shall monitor, maintain,  
35 and manage related records and data. The board may impose an  
36 application fee, not to exceed two hundred dollars (\$200)  
37 biennially, for continuing education providers not listed in  
38 paragraph (1) of subdivision (b).

39 (k) (1) Beginning January 1, 2018, a licensed veterinarian who  
40 renews ~~his or her~~ *their* license shall complete a minimum of one

1 credit hour of continuing education on the judicious use of  
2 medically important antimicrobial drugs every four years as part  
3 of ~~his or her~~ *their* continuing education requirements.

4 (2) For purposes of this subdivision, “medically important  
5 antimicrobial drug” means an antimicrobial drug listed in Appendix  
6 A of the federal Food and Drug Administration’s Guidance for  
7 Industry #152, including critically important, highly important,  
8 and important antimicrobial drugs, as that appendix may be  
9 amended.

10 SEC. 25. Section 4980.03 of the Business and Professions  
11 Code is amended to read:

12 4980.03. (a) “Board,” as used in this chapter, means the Board  
13 of Behavioral Sciences.

14 (b) “Associate,” as used in this chapter, means an unlicensed  
15 person who has earned a master’s or doctoral degree qualifying  
16 the person for licensure and is registered with the board as an  
17 associate.

18 (c) “Trainee,” as used in this chapter, means an unlicensed  
19 person who is currently enrolled in a master’s or doctoral degree  
20 program, as specified in Sections 4980.36 and 4980.37, that is  
21 designed to qualify the person for licensure under this chapter, and  
22 who has completed no less than 12 semester units or 18 quarter  
23 units of coursework in any qualifying degree program.

24 (d) “Applicant for licensure,” as used in this chapter, means an  
25 unlicensed person who has completed the required education and  
26 required hours of supervised experience for licensure.

27 (e) “Advertise,” as used in this chapter, includes, but is not  
28 limited to, any public communication, as defined in subdivision  
29 (a) of Section 651, the issuance of any card, sign, or device to any  
30 person, or the causing, permitting, or allowing of any sign or  
31 marking on, or in, any building or structure, or in any newspaper  
32 or magazine or in any directory, or any printed matter whatsoever,  
33 with or without any limiting qualification. Signs within religious  
34 buildings or notices in church bulletins mailed to a congregation  
35 ~~shall not be construed as~~ *are not* advertising within the meaning  
36 of this chapter.

37 (f) “Experience,” as used in this chapter, means experience in  
38 interpersonal relationships, psychotherapy, marriage and family  
39 therapy, direct clinical counseling, and nonclinical practice that

1 satisfies the requirements for licensure as a marriage and family  
2 therapist.

3 (g) "Supervisor," as used in this chapter, means an individual  
4 who meets all of the following requirements:

5 (1) Has held an active license for at least two years within the  
6 five-year period immediately preceding any supervision as any of  
7 the following:

8 (A) A licensed professional clinical counselor, licensed marriage  
9 and family therapist, psychologist licensed pursuant to Chapter  
10 6.6 (commencing with Section 2900), licensed clinical social  
11 worker, licensed educational psychologist, or equivalent  
12 out-of-state license. A licensed educational psychologist may only  
13 supervise the provision of educationally related mental health  
14 services that are consistent with the scope of practice of an  
15 educational psychologist, as specified in Section 4989.14.

16 (B) A physician and surgeon who is certified in psychiatry by  
17 the American Board of Psychiatry and Neurology or an out-of-state  
18 licensed physician and surgeon who is certified in psychiatry by  
19 the American Board of Psychiatry and Neurology.

20 (2) For at least two years within the five-year period immediately  
21 preceding any supervision, has practiced psychotherapy, provided  
22 psychological counseling pursuant to ~~subdivision (b) paragraph~~  
23 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical  
24 supervision of psychotherapy performed by marriage and family  
25 therapist trainees, associate marriage and family therapists,  
26 associate professional clinical counselors, or associate clinical  
27 social workers. Supervision of psychotherapy performed by a  
28 social work intern or a professional clinical counselor trainee shall  
29 be accepted if the supervision provided is substantially equivalent  
30 to the supervision required for registrants.

31 (3) Has received training in supervision as specified in this  
32 chapter and by regulation.

33 (4) Has not provided therapeutic services to the supervisee.

34 (5) Has and maintains a current and active license that is not  
35 under suspension or probation as one of the following:

36 (A) A marriage and family therapist, professional clinical  
37 counselor, clinical social worker, or licensed educational  
38 psychologist, issued by the board.

39 (B) A psychologist licensed pursuant to Chapter 6.6  
40 (commencing with Section 2900).

1 (C) A physician and surgeon who is certified in psychiatry by  
2 the American Board of Psychiatry and Neurology.

3 (6) Is not a spouse, domestic partner, or relative of the  
4 supervisee.

5 (7) Does not currently have or previously had a personal,  
6 professional, or business relationship with the supervisee that  
7 undermines the authority or effectiveness of the supervision.

8 (h) "Client centered advocacy," as used in this chapter, includes,  
9 but is not limited to, researching, identifying, and accessing  
10 resources, or other activities, related to obtaining or providing  
11 services and supports for clients or groups of clients receiving  
12 psychotherapy or counseling services.

13 (i) "Accredited," as used in this chapter, means a school, college,  
14 or university accredited by either the Commission on Accreditation  
15 for Marriage and Family Therapy Education or a regional or  
16 national institutional accrediting agency that is recognized by the  
17 United States Department of Education.

18 (j) "Approved," as used in this chapter, means a school, college,  
19 or university that possessed unconditional approval by the Bureau  
20 for Private Postsecondary Education at the time of the applicant's  
21 graduation from the school, college, or university.

22 SEC. 26. Section 4996.20 of the Business and Professions  
23 Code is amended to read:

24 4996.20. (a) "Supervisor," as used in this chapter, means an  
25 individual who meets all of the following requirements:

26 (1) Has held an active license for at least two years within the  
27 five-year period immediately preceding any supervision as either:

28 (A) A licensed professional clinical counselor, licensed marriage  
29 and family therapist, psychologist licensed pursuant to Chapter  
30 6.6 (commencing with Section 2900), licensed clinical social  
31 worker, licensed educational psychologist, or equivalent  
32 out-of-state license. A licensed educational psychologist may only  
33 supervise the provision of educationally related mental health  
34 services that are consistent with the scope of practice of an  
35 educational psychologist, as specified in Section 4989.14.

36 (B) A physician and surgeon who is certified in psychiatry by  
37 the American Board of Psychiatry and Neurology or an out-of-state  
38 licensed physician and surgeon who is certified in psychiatry by  
39 the American Board of Psychiatry and Neurology.

1 (2) For at least two years within the five-year period immediately  
2 preceding any supervision, has practiced psychotherapy, provided  
3 psychological counseling pursuant to ~~subdivision (e)~~ *paragraph*  
4 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical  
5 supervision of psychotherapy performed by associate clinical social  
6 workers, associate marriage and family therapists or trainees, or  
7 associate professional clinical counselors. Supervision of  
8 psychotherapy performed by a social work intern or a professional  
9 clinical counselor trainee shall be accepted if the supervision  
10 provided is substantially equivalent to the supervision required for  
11 registrants.

12 (3) Has received training in supervision as specified in this  
13 chapter and by regulation.

14 (4) Has not provided therapeutic services to the supervisee.

15 (5) Has and maintains a current and active license that is not  
16 under suspension or probation as one of the following:

17 (A) A marriage and family therapist, professional clinical  
18 counselor, clinical social worker, or licensed educational  
19 psychologist issued by the board.

20 (B) A psychologist licensed pursuant to Chapter 6.6  
21 (commencing with Section 2900).

22 (C) A physician and surgeon who is certified in psychiatry by  
23 the American Board of Psychiatry and Neurology.

24 (6) Is not a spouse, domestic partner, or relative of the  
25 supervisee.

26 (7) Does not currently have or previously had a personal,  
27 professional, or business relationship with the supervisee that  
28 undermines the authority or effectiveness of the supervision.

29 (b) As used in this chapter, the term “supervision” means  
30 responsibility for, and control of, the quality of mental health and  
31 related services provided by the supervisee. Consultation or peer  
32 discussion shall not be considered supervision and shall not qualify  
33 as supervised experience.

34 “Supervision” includes, but is not limited to, all of the following:

35 (1) Ensuring the extent, kind, and quality of counseling  
36 performed is consistent with the education, training, and experience  
37 of the supervisee.

38 (2) Monitoring and evaluating the supervisee’s assessment,  
39 diagnosis, and treatment decisions and providing regular feedback.



1 (3) Monitoring and evaluating the supervisee’s ability to provide  
2 services at the site or sites where the supervisee is practicing and  
3 to the particular clientele being served.

4 (4) Monitoring and addressing clinical dynamics, including, but  
5 not limited to, countertransference-, intrapsychic-, interpersonal-,  
6 or trauma-related issues that may affect the supervisory or the  
7 practitioner-patient relationship.

8 (5) Ensuring the supervisee’s compliance with laws and  
9 regulations governing the practice of clinical social work.

10 (6) Reviewing the supervisee’s progress notes, process notes,  
11 and other patient treatment records, as deemed appropriate by the  
12 supervisor.

13 (7) With the client’s written consent, providing direct  
14 observation or review of audio or video recordings of the  
15 supervisee’s counseling or therapy, as deemed appropriate by the  
16 supervisor.

17 SEC. 27. Section 4999.12 of the Business and Professions  
18 Code is amended to read:

19 4999.12. For purposes of this chapter, the following terms have  
20 the following meanings:

21 (a) “Board” means the Board of Behavioral Sciences.

22 (b) “Accredited” means a school, college, or university  
23 accredited by a regional or national institutional accrediting agency  
24 that is recognized by the United States Department of Education.

25 (c) “Approved” means a school, college, or university that  
26 possessed unconditional approval by the Bureau for Private  
27 Postsecondary Education at the time of the applicant’s graduation  
28 from the school, college, or university.

29 (d) “Applicant for licensure” means an unlicensed person who  
30 has completed the required education and required hours of  
31 supervised experience for licensure.

32 (e) “Licensed professional clinical counselor” or “LPCC” means  
33 a person licensed under this chapter to practice professional clinical  
34 counseling, as defined in Section 4999.20.

35 (f) “Associate” means an unlicensed person who meets the  
36 requirements of Section 4999.42 and is registered with the board.

37 (g) “Clinical counselor trainee” means an unlicensed person  
38 who is currently enrolled in a master’s or doctoral degree program,  
39 as specified in Section 4999.32 or 4999.33, that is designed to  
40 qualify the person for licensure and who has completed no less

1 than 12 semester units or 18 quarter units of coursework in any  
2 qualifying degree program.

3 (h) "Supervisor" means an individual who meets all of the  
4 following requirements:

5 (1) Has held an active license for at least two years within the  
6 five-year period immediately preceding any supervision as either:

7 (A) A licensed professional clinical counselor, licensed marriage  
8 and family therapist, psychologist licensed pursuant to Chapter  
9 6.6 (commencing with Section 2900), licensed clinical social  
10 worker, licensed educational psychologist, or equivalent  
11 out-of-state license. A licensed educational psychologist may only  
12 supervise the provision of educationally related mental health  
13 services that are consistent with the scope of practice of an  
14 educational psychologist, as specified in Section 4989.14.

15 (B) A physician and surgeon who is certified in psychiatry by  
16 the American Board of Psychiatry and Neurology, or an out-of-state  
17 licensed physician and surgeon who is certified in psychiatry by  
18 the American Board of Psychiatry and Neurology.

19 (2) For at least two years within the five-year period immediately  
20 preceding any supervision, has practiced psychotherapy, provided  
21 psychological counseling pursuant to ~~subdivision (b) paragraph~~  
22 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical  
23 supervision of psychotherapy performed by marriage and family  
24 therapist trainees, associate marriage and family therapists,  
25 associate professional clinical counselors, or associate clinical  
26 social workers. Supervision of psychotherapy performed by a  
27 social work intern or a professional clinical counselor trainee shall  
28 be accepted if the supervision provided is substantially equivalent  
29 to the supervision required for registrants.

30 (3) Has received training in supervision as specified in this  
31 chapter and by regulation.

32 (4) Has not provided therapeutic services to the supervisee.

33 (5) Has and maintains a current and active license that is not  
34 under suspension or probation as one of the following:

35 (A) A marriage and family therapist, professional clinical  
36 counselor, clinical social worker, or licensed educational  
37 psychologist issued by the board.

38 (B) A psychologist licensed pursuant to Chapter 6.6  
39 (commencing with Section 2900).

1 (C) A physician and surgeon who is certified in psychiatry by  
2 the American Board of Psychiatry and Neurology.

3 (6) Is not a spouse, domestic partner, or relative of the  
4 supervisee.

5 (7) Does not currently have or previously had a personal,  
6 professional, or business relationship with the supervisee that  
7 undermines the authority or effectiveness of the supervision.

8 (i) "Client centered advocacy" includes, but is not limited to,  
9 researching, identifying, and accessing resources, or other activities,  
10 related to obtaining or providing services and supports for clients  
11 or groups of clients receiving psychotherapy or counseling services.

12 (j) "Advertising" or "advertise" includes, but is not limited to,  
13 the issuance of any card, sign, or device to any person, or the  
14 causing, permitting, or allowing of any sign or marking on, or in,  
15 any building or structure, or in any newspaper or magazine or in  
16 any directory, or any printed matter whatsoever, with or without  
17 any limiting qualification. It also includes business solicitations  
18 communicated by radio or television broadcasting. Signs within  
19 church buildings or notices in church bulletins mailed to a  
20 congregation ~~shall not be construed as~~ *are not* advertising within  
21 the meaning of this chapter.

22 (k) "Referral" means evaluating and identifying the needs of a  
23 client to determine whether it is advisable to refer the client to  
24 other specialists, informing the client of that judgment, and  
25 communicating that determination as requested or deemed  
26 appropriate to referral sources.

27 (l) "Research" means a systematic effort to collect, analyze, and  
28 interpret quantitative and qualitative data that describes how social  
29 characteristics, behavior, emotion, cognitions, disabilities, mental  
30 disorders, and interpersonal transactions among individuals and  
31 organizations interact.

32 (m) "Supervision" means responsibility for, and control of, the  
33 quality of mental health and related services provided by the  
34 supervisee. Consultation or peer discussion shall not be considered  
35 supervision and shall not qualify as supervised experience.  
36 Supervision includes, but is not limited to, all of the following:

37 (1) Ensuring the extent, kind, and quality of counseling  
38 performed is consistent with the education, training, and experience  
39 of the supervisee.

1 (2) Monitoring and evaluating the supervisee's assessment,  
2 diagnosis, and treatment decisions and providing regular feedback.

3 (3) Monitoring and evaluating the supervisee's ability to provide  
4 services at the site or sites where the supervisee is practicing and  
5 to the particular clientele being served.

6 (4) Monitoring and addressing clinical dynamics, including, but  
7 not limited to, countertransference-, intrapsychic-, interpersonal-,  
8 or trauma-related issues that may affect the supervisory or the  
9 practitioner-patient relationship.

10 (5) Ensuring the supervisee's compliance with laws and  
11 regulations governing the practice of licensed professional clinical  
12 counseling.

13 (6) Reviewing the supervisee's progress notes, process notes,  
14 and other patient treatment records, as deemed appropriate by the  
15 supervisor.

16 (7) With the client's written consent, providing direct  
17 observation or review of audio or video recordings of the  
18 supervisee's counseling or therapy, as deemed appropriate by the  
19 supervisor.

20 (n) "Clinical setting" means any setting that meets both of the  
21 following requirements:

22 (1) Lawfully and regularly provides mental health counseling  
23 or psychotherapy.

24 (2) Provides oversight to ensure that the associate's work meets  
25 the experience and supervision requirements set forth in this  
26 chapter and in regulation and is within the scope of practice of the  
27 profession.

28 SEC. 28. Section 7841.2 of the Business and Professions Code  
29 is amended to read:

30 7841.2. (a) An applicant for certification as a  
31 geologist-in-training shall comply with all of the following:

32 (a)

33 (1) Not have committed acts or crimes constituting grounds for  
34 denial of certification under Section 480.

35 (b)

36 (2) Successfully pass the Fundamentals of Geology examination.

37 (c)

38 (3) Meet either of the following education requirements fulfilled  
39 at a school or university whose curricula meet criteria established  
40 by the rules of the board:

1     ~~(1)~~  
2     (A) Graduation from a college or university with a major in  
3 geological sciences or any other discipline that, in the opinion of  
4 the board, is relevant to geology.

5     ~~(2)~~  
6     (B) Completion of a combination of at least 30 semester hours,  
7 or the equivalent, in courses that, in the opinion of the board, are  
8 relevant to geology. At least 24 semester hours, or the equivalent,  
9 shall be in upper division or graduate courses.

10    ***(b) (1) The board shall require an applicant for certification***  
11 ***as a geologist-in-training to sign or acknowledge a statement of***  
12 ***eligibility at the time of submission of the application attesting to***  
13 ***the completion of the education requirements established by this***  
14 ***section and the rules of the board.***

15    ***(2) Except as required by paragraph (1), the board is not***  
16 ***required to verify an applicant's eligibility for certification as a***  
17 ***geologist-in-training.***

18    SEC. 29. Section 10083.2 of the Business and Professions  
19 Code is amended to read:

20    10083.2. (a) (1) The commissioner shall provide information  
21 on the internet regarding the status of every license issued by the  
22 department in accordance with the California Public Records Act  
23 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
24 Title 1 of the Government Code) and the Information Practices  
25 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title  
26 1.8 of Part 4 of Division 3 of the Civil Code).

27    (2) The public information to be provided on the internet shall  
28 include information on suspensions and revocations of licenses  
29 issued by the department and accusations filed pursuant to the  
30 Administrative Procedure Act (Chapter 3.5 (commencing with  
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
32 Code) relative to persons or businesses subject to licensure or  
33 regulation by the department.

34    (3) The public information shall not include personal  
35 information, including home telephone number, date of birth, or  
36 social security number. The commissioner shall disclose a  
37 licensee's address of record. However, the commissioner shall  
38 allow a licensee to provide a post office box number or other  
39 alternate address, instead of the licensee's home address, as the  
40 address of record. This section shall not preclude the commissioner

1 from also requiring a licensee who has provided a post office box  
2 number or other alternative mailing address as the licensee's  
3 address of record to provide a physical business address or  
4 residence address only for the department's internal administrative  
5 use and not for disclosure as the licensee's address of record or  
6 disclosure on the internet.

7 (4) The public information shall also include whether a licensee  
8 is an associate licensee within the meaning of subdivision (a) of  
9 Section 2079.13 of the Civil Code and, if the associate licensee is  
10 a broker, identify each responsible broker with whom the licensee  
11 is contractually associated as described in Section 10032 of this  
12 code or Section 2079.13 of the Civil Code.

13 (b) For purposes of this section, "internet" has the meaning set  
14 forth in paragraph (6) of subdivision (f) of Section 17538.

15 (c) Upon petition by a licensee accompanied by a fee sufficient  
16 to defray costs associated with consideration of a petition, ~~as~~  
17 ~~described in Section 10223~~, the commissioner may remove from  
18 the posting of discipline described in subdivision (a) an item that  
19 has been posted on the department's internet website for no less  
20 than 10 years and for which the licensee provides evidence of  
21 rehabilitation indicating that the notice is no longer required in  
22 order to prevent a credible risk to members of the public utilizing  
23 licensed activity of the licensee. In evaluating a petition, the  
24 commissioner shall take into consideration other violations that  
25 present a credible risk to the members of the public since the  
26 posting of discipline requested for removal.

27 (d) The department may develop, through regulations, the  
28 amount of the fee and the minimum information to be included in  
29 a licensee's petition, including, but not limited to, a written  
30 justification and evidence of rehabilitation pursuant to Section  
31 482.

32 (e) "Posted" for purposes of this section is defined as the date  
33 of disciplinary action taken by the department.

34 (f) The department shall maintain a list of all licensees whose  
35 disciplinary records are altered as a result of a petition approved  
36 under subdivision (c). The department shall make the list accessible  
37 to other licensing bodies. The department shall update and provide  
38 the list to other licensing bodies as often as it modifies the records  
39 displayed on its internet website in response to petitions approved  
40 under subdivision (c).

1 SEC. 30. Section 10140.6 of the Business and Professions  
2 Code is amended to read:

3 10140.6. (a) A real estate licensee shall not publish, circulate,  
4 distribute, or cause to be published, circulated, or distributed in  
5 any newspaper or periodical, or by mail, any matter pertaining to  
6 any activity for which a real estate license is required that does  
7 not contain a designation disclosing that the licensee is performing  
8 acts for which a real estate license is required.

9 (b) (1) A real estate licensee shall disclose their name, license  
10 identification number and unique identifier assigned to that licensee  
11 by the Nationwide ~~Mortgage~~ *Multistate* Licensing System and  
12 Registry, if that licensee is a mortgage loan originator, and  
13 responsible broker's identity, as defined in Section 10015.4, on  
14 all solicitation materials intended to be the first point of contact  
15 with consumers and on real property purchase agreements when  
16 acting in a manner that requires a real estate license or mortgage  
17 loan originator license endorsement in those transactions. The  
18 commissioner may adopt regulations identifying the materials in  
19 which a licensee must disclose a license identification number and  
20 unique identifier assigned to that licensee by the Nationwide  
21 ~~Mortgage~~ *Multistate* Licensing System and Registry, and  
22 responsible broker's identity.

23 (2) A real estate licensee who is a natural person and who legally  
24 changes the surname in which their license was originally issued  
25 may continue to utilize their former surname for the purpose of  
26 conducting business associated with their license so long as both  
27 names are filed with the department. Use of a former surname shall  
28 not constitute a fictitious name for the purposes of Section 10159.5.

29 (3) For purposes of this section, "solicitation materials" include  
30 business cards, stationery, advertising flyers, advertisements on  
31 television, in print, or electronic media, "for sale," rent, lease,  
32 "open house," and directional signs, and other materials designed  
33 to solicit the creation of a professional relationship between the  
34 licensee and a consumer.

35 (4) ~~Nothing in this section shall be construed to~~ *This section*  
36 *does not* limit or change the requirement described in Section  
37 10236.4 as applicable to real estate brokers.

38 (c) This section shall not apply to "for sale," rent, lease, "open  
39 house," and directional signs that do either of the following:

1 (1) Display the responsible broker’s identity, as defined in  
2 Section 10015.4, without reference to an associate broker or  
3 licensee.

4 (2) Display no licensee identification information.

5 (d) “Mortgage loan originator,” “unique identifier,” and  
6 “Nationwide Mortgage *Multistate* Licensing System and Registry”  
7 have the meanings set forth in Section 10166.01.

8 SEC. 31. Section 10151 of the Business and Professions Code,  
9 as amended by Section 6.1 of Chapter 431 of the Statutes of 2021,  
10 is amended to read:

11 10151. (a) Application for the real estate salesperson license  
12 examination shall be made in writing to the commissioner. The  
13 commissioner may prescribe the format and content of the  
14 salesperson examination application. The application for the  
15 salesperson examination shall include valid contact information  
16 at which the department may contact the applicant and shall be  
17 accompanied by the real estate salesperson license examination  
18 fee.

19 (b) Persons who have been notified by the commissioner that  
20 they passed the real estate salesperson license examination may  
21 apply for a real estate salesperson license. A person applying for  
22 the salesperson examination may also apply for a real estate  
23 salesperson license. However, a license shall not be issued until  
24 the applicant passes the real estate salesperson license examination.  
25 If there is any change to the information contained in a real estate  
26 salesperson license application after the application has been  
27 submitted and before the license has been issued, the commissioner  
28 may require the applicant to submit a supplement to the application  
29 listing the changed information.

30 (c) (1) The commissioner may prescribe the format and content  
31 of the real estate salesperson license application. The application  
32 for the real estate salesperson license shall include valid contact  
33 information at which the department may contact the applicant.

34 (2) An application for the real estate salesperson license  
35 examination or for both the examination and license that is received  
36 by the commissioner on or after October 1, 2007, shall include  
37 evidence or certification, satisfactory to the commissioner, of  
38 successful completion at an accredited institution of a  
39 three-semester unit course, or the quarter equivalent thereof, or  
40 successful completion of an equivalent course of study as defined



1 in Section 10153.5 in real estate principles as well as the successful  
2 completion at an accredited institution of a course in real estate  
3 practice *as set forth in Section 10153.2*, and one additional course  
4 *as set forth in Section 10153.2*, other than real estate principles,  
5 real estate practice, advanced legal aspects of real estate, advanced  
6 real estate finance, or advanced real estate appraisal. The applicant  
7 shall provide this evidence or certification to the commissioner  
8 prior to taking the real estate salesperson license examination.

9 (d) The commissioner shall waive the requirements of this  
10 section for the following applicants:

11 (1) An applicant who is a member of the State Bar of California.

12 (2) An applicant who has qualified to take the examination for  
13 an original real estate broker license by satisfying the requirements  
14 of Section 10153.2.

15 (e) Application for endorsement to act as a mortgage loan  
16 originator, as defined in Section 10166.01, shall be made either  
17 electronically or in writing as directed by the commissioner. The  
18 commissioner may prescribe the format and the content of the  
19 mortgage loan originator endorsement application, which shall  
20 meet the minimum requirements for licensing of a mortgage loan  
21 originator, pursuant to the Secure and Fair Enforcement for  
22 Mortgage Licensing Act of 2008 (Public Law 110-289).

23 ~~(f) This section shall remain in effect only until January 1, 2023,~~  
24 ~~and as of that date is repealed.~~

25 SEC. 32. Section 10151 of the Business and Professions Code,  
26 as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is  
27 repealed.

28 ~~10151. (a) Application for the real estate salesperson license~~  
29 ~~examination shall be made in writing to the commissioner. The~~  
30 ~~commissioner may prescribe the format and content of the~~  
31 ~~salesperson examination application. The application for the~~  
32 ~~salesperson examination shall include valid contact information~~  
33 ~~at which the department may contact the applicant and shall be~~  
34 ~~accompanied by the real estate salesperson license examination~~  
35 ~~fee.~~

36 ~~(b) Persons who have been notified by the commissioner that~~  
37 ~~they passed the real estate salesperson license examination may~~  
38 ~~apply for a real estate salesperson license. A person applying for~~  
39 ~~the salesperson examination may also apply for a real estate~~  
40 ~~salesperson license. However, a license shall not be issued until~~

1 the applicant passes the real estate salesperson license examination.  
2 If there is any change to the information contained in a real estate  
3 salesperson license application after the application has been  
4 submitted and before the license has been issued, the commissioner  
5 may require the applicant to submit a supplement to the application  
6 listing the changed information.

7 (e) (1) The commissioner may prescribe the format and content  
8 of the real estate salesperson license application. The application  
9 for the real estate salesperson license shall include valid contact  
10 information at which the department may contact the applicant.

11 (2) An application for the real estate salesperson license  
12 examination or for both the examination and license that is received  
13 by the commissioner on or after October 1, 2007, shall include  
14 evidence or certification, satisfactory to the commissioner, of  
15 successful completion at an accredited institution of a  
16 three-semester unit course, or the quarter equivalent thereof, or  
17 successful completion of an equivalent course of study as defined  
18 in Section 10153.5 in real estate principles as well as the successful  
19 completion at an accredited institution of a course in real estate  
20 practice, a course in fair housing set forth in Section 10153.2, and  
21 one additional course set forth in Section 10153.2, other than real  
22 estate principles, real estate practice, advanced legal aspects of  
23 real estate, advanced real estate finance, or advanced real estate  
24 appraisal. The applicant shall provide this evidence or certification  
25 to the commissioner prior to taking the real estate salesperson  
26 license examination.

27 (d) The commissioner shall waive the requirements of this  
28 section for the following applicants:

29 (1) An applicant who is a member of the State Bar of California.

30 (2) An applicant who has qualified to take the examination for  
31 an original real estate broker license by satisfying the requirements  
32 of Section 10153.2.

33 (e) Application for endorsement to act as a mortgage loan  
34 originator, as defined in Section 10166.01, shall be made either  
35 electronically or in writing as directed by the commissioner. The  
36 commissioner may prescribe the format and the content of the  
37 mortgage loan originator endorsement application, which shall  
38 meet the minimum requirements for licensing of a mortgage loan  
39 originator, pursuant to the Secure and Fair Enforcement for  
40 Mortgage Licensing Act of 2008 (Public Law 110-289).

1 ~~(f) This section shall become operative on January 1, 2023.~~

2 SEC. 33. Section 10153.2 of the Business and Professions  
3 Code, as amended by Section 3 of Chapter 361 of the Statutes of  
4 2021, is amended to read:

5 10153.2. (a) An applicant to take the examination for an  
6 original real estate broker license shall also submit evidence,  
7 satisfactory to the commissioner, of successful completion, at an  
8 accredited institution, of:

9 (1) A three-unit semester course, or the quarter equivalent  
10 thereof, in each of the following:

- 11 (A) Real estate practice.
- 12 (B) Legal aspects of real estate.
- 13 (C) Real estate appraisal.
- 14 (D) Real estate financing.
- 15 (E) Real estate economics or accounting.

16 (2) A three-unit semester course, or the quarter equivalent  
17 thereof, in three of the following:

- 18 (A) Advanced legal aspects of real estate.
- 19 (B) Advanced real estate finance.
- 20 (C) Advanced real estate appraisal.
- 21 (D) Business law.
- 22 (E) Escrows.
- 23 (F) Real estate principles.
- 24 (G) Property management.
- 25 (H) Real estate office administration.
- 26 (I) Mortgage loan brokering and lending.
- 27 (J) Computer applications in real estate.

28 (K) On and after July 1, 2004, California law that relates to  
29 common interest developments, including, but not limited to, topics  
30 addressed in the Davis-Stirling Common Interest Development  
31 Act (Part 5 (commencing with Section 4000) of Division 4 of the  
32 Civil Code) and in the Commercial and Industrial Common Interest  
33 Development Act (Part 5.3 (commencing with Section 6500) of  
34 Division 4 of the Civil Code).

35 (b) The commissioner shall waive the requirements of this  
36 section for an applicant who is a member of the State Bar of  
37 California and shall waive the requirements for which an applicant  
38 has successfully completed an equivalent course of study as  
39 determined under Section 10153.5.

1 (c) The commissioner shall extend credit under this section for  
2 any course completed to satisfy requirements of Section 10153.3  
3 or 10153.4.

4 (d) This section shall remain in effect only until January 1, 2023,  
5 2024, and as of that date is repealed.

6 SEC. 34. Section 10153.2 of the Business and Professions  
7 Code, as added by Section 4 of Chapter 361 of the Statutes of  
8 2021, is amended to read:

9 10153.2. (a) An applicant to take the examination for an  
10 original real estate broker license shall also submit evidence,  
11 satisfactory to the commissioner, of successful completion, at an  
12 accredited institution, of:

13 (1) A three-unit semester course, or the quarter equivalent  
14 thereof, in each of the following:

15 (A) Real estate practice, which shall include *a both of the*  
16 *following*:

17 (i) A component on implicit bias, including education regarding  
18 the impact of implicit bias, explicit bias, and systemic bias on  
19 consumers, the historical and social impacts of those biases, and  
20 actionable steps students can take to recognize and address their  
21 own implicit biases.

22 (ii) *A component on federal and state fair housing laws as those*  
23 *laws apply to the practice of real estate. The fair housing*  
24 *component shall include an interactive participatory component,*  
25 *during which the applicant shall roleplay as both a consumer and*  
26 *real estate professional.*

27 (B) ~~Legal aspects of real estate, which shall include a component~~  
28 ~~on state and federal fair housing laws as they apply to the practice~~  
29 ~~of real estate. The fair housing component shall include an~~  
30 ~~interactive participatory component, during which the applicant~~  
31 ~~shall roleplay as both a consumer and real estate professional.~~  
32 ~~estate.~~

33 (C) Real estate appraisal.

34 (D) Real estate financing.

35 (E) Real estate economics or accounting.

36 (2) A three-unit semester course, or the quarter equivalent  
37 thereof, in three of the following:

38 (A) Advanced legal aspects of real estate.

39 (B) Advanced real estate finance.

40 (C) Advanced real estate appraisal.

- 1 (D) Business law.
- 2 (E) Escrows.
- 3 (F) Real estate principles.
- 4 (G) Property management.
- 5 (H) Real estate office administration.
- 6 (I) Mortgage loan brokering and lending.
- 7 (J) Computer applications in real estate.
- 8 (K) On and after July 1, 2004, California law that relates to
- 9 common interest developments, including, but not limited to, topics
- 10 addressed in the Davis-Stirling Common Interest Development
- 11 Act (Part 5 (commencing with Section 4000) of Division 4 of the
- 12 Civil Code) and in the Commercial and Industrial Common Interest
- 13 Development Act (Part 5.3 (commencing with Section 6500) of
- 14 Division 4 of the Civil Code).

15 (b) The commissioner shall waive the requirements of this  
16 section for an applicant who is a member of the State Bar of  
17 California and shall waive the requirements for which an applicant  
18 has successfully completed an equivalent course of study as  
19 determined under Section 10153.5.

20 (c) The commissioner shall extend credit under this section for  
21 any course completed to satisfy requirements of Section 10153.3  
22 or 10153.4.

23 (d) This section shall become operative on January 1, ~~2023~~.  
24 2024.

25 SEC. 35. Section 10159.5 of the Business and Professions  
26 Code is amended to read:

27 10159.5. (a) (1) Every person applying for a license under  
28 this chapter who desires to have the license issued under a fictitious  
29 business name shall file with the application a certified copy of  
30 their fictitious business name statement filed with the county clerk  
31 pursuant to Chapter 5 (commencing with Section 17900) of Part  
32 3 of Division 7.

33 (2) A responsible broker may, by contract, permit a salesperson  
34 to do all of the following:

35 (A) File an application on behalf of a responsible broker with  
36 a county clerk to obtain a fictitious business name.

37 (B) Deliver to the department an application, signed by the  
38 responsible broker, requesting the department's approval to use a  
39 county approved fictitious business name that shall be identified  
40 with the responsible broker's license number.

1 (C) Pay for any fees associated with filing an application with  
2 a county or the department to obtain or use a fictitious business  
3 name.

4 (D) Maintain ownership of a fictitious business name, as defined  
5 in paragraph ~~(2)~~ (1) of subdivision (a) of Section 10159.7, that  
6 may be used subject to the control of the responsible broker.

7 (b) (1) A salesperson using a fictitious business name authorized  
8 by subdivision (a), shall use that name only as permitted by the  
9 responsible broker.

10 (2) This section does not change a real estate broker's duties  
11 under this division to supervise a salesperson.

12 (c) A person applying to a county for a fictitious business name  
13 pursuant to subdivision (a) may file the application in the county  
14 or counties where the fictitious business name will be used.

15 (d) Advertising and solicitation materials, including business  
16 cards, print or electronic media and "for sale" signage, using a  
17 fictitious business name obtained in accordance with paragraph  
18 (2) of subdivision (a) shall include the responsible broker's identity,  
19 as defined in ~~paragraph (1) of subdivision (a) of Section 10159.7,~~  
20 *Section 10015.4*, in a manner equally as prominent as the fictitious  
21 business name.

22 (e) Notwithstanding subdivision (b) of Section 10140.6,  
23 advertising and solicitation materials, including print or electronic  
24 media and "for sale" signage, containing a fictitious business name  
25 obtained in accordance with paragraph (2) of subdivision (a) shall  
26 include the name and license number of the salesperson who is  
27 using the fictitious business name.

28 (f) Notwithstanding Section 10185, a violation of this section  
29 is not a misdemeanor.

30 SEC. 36. Section 10165 of the Business and Professions Code  
31 is amended to read:

32 10165. For a violation of ~~any of the provisions of Section~~  
33 ~~10160~~, *Section 10161.8*, 10162, 10163, or subdivision (b) of  
34 Section 10164, the commissioner may temporarily suspend or  
35 permanently revoke the license of the real estate licensee in  
36 accordance with ~~the provisions of this part relating to hearings.~~

37 SEC. 37. Section 10166.01 of the Business and Professions  
38 Code is amended to read:

39 10166.01. For purposes of this article, the following definitions  
40 shall apply:

1 (a) "SAFE Act" means the federal Secure and Fair Enforcement  
2 for Mortgage Licensing Act of 2008 (Public Law 110-289).

3 (b) (1) "Mortgage loan originator" means an individual who  
4 takes a residential mortgage loan application or offers or negotiates  
5 terms of a residential mortgage loan for compensation or gain.

6 (2) Mortgage loan originator does not include any of the  
7 following:

8 (A) An individual who performs purely administrative or clerical  
9 tasks on behalf of a person meeting the definition of a mortgage  
10 loan originator, except as otherwise provided in subdivision (c) of  
11 Section 10166.03. The term "administrative or clerical tasks"  
12 means the receipt, collection, and distribution of information  
13 common for the processing or underwriting of a loan in the  
14 mortgage industry and communication with a consumer to obtain  
15 information necessary for the processing or underwriting of a  
16 residential mortgage loan.

17 (B) An individual that only performs real estate brokerage  
18 services, as defined in subdivision (a) or (b) of Section 10131,  
19 unless that person is compensated by a lender, other mortgage loan  
20 originator, or by any agent of any lender or other mortgage loan  
21 originator.

22 (C) An individual who solely renegotiates terms for existing  
23 mortgage loans held or serviced by ~~his or her~~ *their* employer and  
24 who does not otherwise act as a mortgage loan originator, unless  
25 the United States Department of Housing and Urban Development  
26 or a court of competent jurisdiction determines that the SAFE Act  
27 requires such an employee to be licensed as a mortgage loan  
28 originator under state laws implementing the SAFE Act.

29 (D) An individual that is solely involved in extensions of credit  
30 relating to timeshare plans, as that term is defined in Section  
31 101(53D) of Title 11 of the United States Code.

32 (E) An individual licensed or registered as a mortgage loan  
33 originator pursuant to ~~the provisions of~~ the Financial Code and the  
34 SAFE Act.

35 (c) "~~Nationwide Mortgage~~ *Multistate* Licensing System and  
36 Registry" means a mortgage licensing system developed and  
37 maintained by the Conference of State Bank Supervisors and the  
38 American Association of Residential Mortgage Regulators for the  
39 licensing and registration of mortgage loan originators.

1 (d) “Residential mortgage loan” means any loan primarily for  
2 personal, family, or household use that is secured by a mortgage,  
3 deed of trust, or other equivalent consensual security interest on  
4 a dwelling, or residential real estate upon which is constructed or  
5 intended to be constructed a dwelling. “Dwelling” means a  
6 residential structure that contains one to four units, whether or not  
7 that structure is attached to real property. The term includes an  
8 individual condominium unit, cooperative unit, mobilehome, or  
9 trailer, if it is used as a residence.

10 (e) “Unique identifier” means a number or other identifier  
11 assigned by protocols established by the Nationwide Mortgage  
12 *Multistate* Licensing System and Registry.

13 (f) “Loan processor or underwriter” means an individual who  
14 performs clerical or support duties as an employee at the direction  
15 of, and subject to the supervision and instruction of, a mortgage  
16 loan originator.

17 SEC. 38. Section 10166.02 of the Business and Professions  
18 Code is amended to read:

19 10166.02. (a) A real estate broker who acts pursuant to Section  
20 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,  
21 arranges, or services loans secured by real property containing one  
22 to four residential units, and any salesperson who acts in a similar  
23 capacity under the supervision of that broker, shall notify the  
24 department by January 31, 2010, or within 30 days of commencing  
25 that activity, whichever is later. The notification shall be made in  
26 writing, as directed, on a form that is acceptable to the  
27 commissioner.

28 (b) No individual may engage in business as a mortgage loan  
29 originator under this article without first doing both of the  
30 following:

31 (1) Obtaining and maintaining a real estate license pursuant to  
32 Article 2 (commencing with Section 10150).

33 (2) Obtaining and maintaining a real estate license endorsement  
34 pursuant to this article identifying that individual as a licensed  
35 mortgage loan originator.

36 (c) License endorsements shall be valid for a period of one year  
37 and shall expire on ~~the 31st of December 31~~ each year.

38 (d) Applicants for a mortgage loan originator license  
39 endorsement shall apply in a form prescribed by the commissioner.



1 Each form shall contain content as set forth by rule, regulation,  
2 instruction, or procedure of the commissioner.

3 (e) In order to fulfill the purposes of this article, the  
4 commissioner may establish relationships or contracts with the  
5 ~~Nationwide Mortgage~~ *Multistate* Licensing System and Registry  
6 or other entities designated by the ~~Nationwide Mortgage~~ *Multistate*  
7 Licensing System and Registry to collect and maintain records  
8 and process transaction fees or other fees related to licensees or  
9 other persons subject to this article.

10 (f) A real estate broker or salesperson who fails to notify the  
11 department pursuant to subdivision (a), or who fails to obtain a  
12 license endorsement required pursuant to paragraph (2) of  
13 subdivision (b), shall be assessed a penalty of fifty dollars (\$50)  
14 per day for each day written notification has not been received or  
15 a license endorsement has not been obtained, up to and including  
16 the 30th day after the first day of the assessment penalty. On and  
17 after the 31st day, the penalty is one hundred dollars (\$100) per  
18 day, not to exceed a total penalty of ten thousand dollars (\$10,000),  
19 regardless of the number of days, until the department receives  
20 the written notification or the licensee obtains the license  
21 endorsement. Penalties for violations of subdivisions (a) and (b)  
22 shall be additive.

23 (g) The commissioner may suspend or revoke the license of a  
24 real estate broker or salesperson who fails to pay a penalty imposed  
25 pursuant to this section. In addition, the commissioner may bring  
26 an action in an appropriate court of this state to collect payment  
27 of that penalty.

28 (h) All penalties paid or collected under this section shall be  
29 deposited into the Consumer Recovery Account of the Real Estate  
30 Fund and shall, upon appropriation by the Legislature, be available  
31 for expenditure for the purposes specified in Chapter 6.5  
32 (commencing with Section 10470).

33 SEC. 39. Section 10166.03 of the Business and Professions  
34 Code is amended to read:

35 10166.03. (a) A loan processor or underwriter who does not  
36 represent to the public, through advertising or other means of  
37 communicating or providing information, including the use of  
38 business cards, stationery, brochures, signs, rate lists, or other  
39 promotional items, that the individual can or will perform any of

1 the activities of a mortgage loan originator shall not be required  
2 to obtain a license endorsement as a mortgage loan originator.

3 (b) An individual engaging solely in loan processor or  
4 underwriter activities shall not represent to the public, through  
5 advertising or other means of communicating or providing  
6 information including the use of business cards, stationery,  
7 brochures, signs, rate lists, or other promotional items, that the  
8 individual can or will perform any of the activities of a mortgage  
9 loan originator.

10 (c) An independent contractor who is employed by a mortgage  
11 loan originator may not engage in the activities of a loan processor  
12 or underwriter for a residential mortgage loan unless the  
13 independent contractor loan processor or underwriter obtains and  
14 maintains an endorsement as a mortgage loan originator under this  
15 article. Each independent contractor loan processor or underwriter  
16 who obtains and maintains an endorsement as a mortgage loan  
17 originator under this article shall have and maintain a valid unique  
18 identifier issued by the Nationwide ~~Mortgage~~ *Multistate* Licensing  
19 System and Registry.

20 SEC. 40. Section 10166.04 of the Business and Professions  
21 Code is amended to read:

22 10166.04. (a) In connection with an application to the  
23 commissioner for a license endorsement as a mortgage loan  
24 originator, every applicant shall furnish to the Nationwide  
25 ~~Mortgage~~ *Multistate* Licensing System and Registry information  
26 concerning the applicant's identity, including the following:

27 (1) Fingerprint images and related information, for purposes of  
28 performing a federal, or both a state and federal, criminal history  
29 background check.

30 (2) Personal history and experience in a form prescribed by the  
31 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,  
32 including the submission of authorization for the Nationwide  
33 ~~Mortgage~~ *Multistate* Licensing System and Registry and the  
34 commissioner to obtain both of the following:

35 (A) An independent credit report from a consumer reporting  
36 agency.

37 (B) Information related to any administrative, civil, or criminal  
38 findings by any governmental jurisdiction.

39 (b) The commissioner may ask the Nationwide ~~Mortgage~~  
40 *Multistate* Licensing System and Registry to obtain state criminal

1 history background check information on applicants described in  
2 subdivision (a) using the procedures set forth in subdivisions (c)  
3 and (d).

4 (c) If the Nationwide ~~Mortgage~~ *Multistate* Licensing System  
5 and Registry electronically submits fingerprint images and related  
6 information, as required by the Department of Justice, for an  
7 applicant for a mortgage loan originator license endorsement, to  
8 the Department of Justice for the purposes of obtaining information  
9 as to the existence and content of a record of state convictions and  
10 state arrests, and as to the existence and content of a record of state  
11 arrests for which the Department of Justice establishes that the  
12 person is free on bail or on ~~his or her~~ *their* recognizance pending  
13 trial or appeal, the Department of Justice shall provide an electronic  
14 response to the Nationwide ~~Mortgage~~ *Multistate* Licensing System  
15 and Registry pursuant to paragraph (1) of subdivision (p) of Section  
16 11105 of the Penal Code, and shall provide the same electronic  
17 response to the department.

18 (d) The Nationwide ~~Mortgage~~ *Multistate* Licensing System and  
19 Registry may request from the Department of Justice subsequent  
20 arrest notification service, as provided pursuant to Section 11105.2  
21 of the Penal Code, for persons described in subdivision (a). The  
22 Department of Justice shall provide the same electronic response  
23 to the department.

24 (e) The Department of Justice shall charge a fee sufficient to  
25 cover the cost of processing the requests described in this section.

26 SEC. 41. Section 10166.06 of the Business and Professions  
27 Code is amended to read:

28 10166.06. (a) In addition to the requirements of Section 10153,  
29 an applicant for a license endorsement as a mortgage loan  
30 originator shall complete at least 20 hours of education courses,  
31 which shall include at least the following:

32 (1) Three hours of federal law and regulations.

33 (2) Three hours of ethics, which shall include instruction on  
34 fraud, consumer protection, and fair lending issues.

35 (3) Two hours of training related to lending standards for the  
36 nontraditional mortgage product marketplace.

37 (b) For purposes of this section, education courses are only  
38 acceptable if they have been reviewed and approved, or otherwise  
39 deemed acceptable, by the Nationwide ~~Mortgage~~ *Multistate*  
40 Licensing System and Registry, in accordance with the SAFE Act.

1 Education may be offered in a classroom, online, or by any other  
2 means approved by the Nationwide ~~Mortgage~~ *Multistate* Licensing  
3 System and Registry, in accordance with the SAFE Act.

4 (c) A person who successfully completes the education  
5 requirements approved by the Nationwide ~~Mortgage~~ *Multistate*  
6 Licensing System and Registry in any state other than California  
7 shall be granted credit by the commissioner toward completion of  
8 the education requirements of this section.

9 (d) Before being issued a license endorsement to act as a  
10 mortgage loan originator, an individual shall pass a qualified  
11 written test developed or otherwise deemed acceptable by the  
12 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry  
13 and administered by a test provider approved or otherwise deemed  
14 acceptable by the Nationwide ~~Mortgage~~ *Multistate* Licensing  
15 System and Registry.

16 (e) A written test shall not be treated as a qualified written test  
17 for purposes of this section, unless the test adequately measures  
18 the applicant's knowledge and comprehension in the following  
19 subject areas: ethics, federal law and regulation pertaining to  
20 mortgage origination, state law and regulation pertaining to  
21 mortgage origination, and federal and state law and regulation  
22 relating to fraud, consumer protection, the nontraditional mortgage  
23 marketplace, and fair lending issues.

24 (f) ~~Nothing in this section shall prohibit~~ *This section does not*  
25 *prohibit* a test provider approved by the Nationwide ~~Mortgage~~  
26 *Multistate* Licensing System and Registry from providing a test  
27 at the location of the employer of the applicant or any subsidiary  
28 or affiliate of the employer of the applicant, or any entity with  
29 which the applicant holds an exclusive arrangement to conduct  
30 the business of a mortgage loan originator.

31 (g) An individual shall not be considered to have passed a  
32 qualified written test administered pursuant to this section unless  
33 the individual achieves a test score of not less than 75 percent  
34 correct answers to questions.

35 (h) An individual who fails the qualified written test may retake  
36 the test, although at least 30 days must pass between each retesting,  
37 except as provided in subdivision (i).

38 (i) An applicant who fails three consecutive tests shall wait at  
39 least six months before retesting.

1 (j) A mortgage loan originator who fails to maintain a valid  
2 license endorsement for a period of five years or longer or who  
3 fails to register as a mortgage loan originator shall retake the  
4 qualified written test.

5 SEC. 42. Section 10166.07 of the Business and Professions  
6 Code is amended to read:

7 10166.07. (a) A real estate broker who acts pursuant to Section  
8 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,  
9 arranges, or services one or more loans in a calendar year that are  
10 secured by real property containing one to four residential units,  
11 shall annually file a business activities report, within 90 days after  
12 the end of the broker's fiscal year or within any additional time as  
13 the commissioner may allow for filing for good cause. The report  
14 shall contain within its scope all of the following information for  
15 the fiscal year, relative to the business activities of the broker and  
16 those of any other brokers and real estate salespersons acting under  
17 that broker's supervision:

18 (1) Name and license number of the supervising broker and  
19 names and license numbers of the real estate brokers and  
20 salespersons under that broker's supervision. The report shall  
21 include brokers and salespersons who were under the supervising  
22 broker's supervision for all or part of the year.

23 (2) A list of the real estate-related activities in which the  
24 supervising broker and the brokers and salespersons under the  
25 supervising broker's supervision engaged during the prior year.  
26 This listing shall identify all of the following:

27 (A) Activities relating to mortgages, including arranging,  
28 making, or servicing.

29 (B) Other activities performed under the real estate broker's or  
30 salesperson's license.

31 (C) Activities performed under related licenses, including, but  
32 not limited to, a license to engage as a finance lender or a finance  
33 broker under the California Financing Law (Division 9  
34 commencing with Section 22000) of the Financial Code), or a  
35 license to engage as a residential mortgage lender or residential  
36 mortgage loan servicer under the California Residential Mortgage  
37 Lending Act (Division 20 (commencing with Section 50000) of  
38 the Financial Code).

1 (3) A list of the forms of media used by the broker and those  
2 under the broker's supervision to advertise to the public, including  
3 print, radio, television, the internet, or other means.

4 (4) For fixed rate loans made, brokered, or serviced, all of the  
5 following:  
6 (A) The total number, aggregate principal amount, lowest  
7 interest rate, highest interest rate, and a list of the institutional  
8 lenders of record. If the loan was funded by any lender other than  
9 an institutional lender, the broker shall categorize the loan as  
10 privately funded.  
11 (B) The total number and aggregate principal amount of covered  
12 loans, as defined in Section 4970 of the Financial Code.  
13 (C) The total number and aggregate principal amount of loans  
14 for which Department of Real Estate form RE Form 885 or an  
15 equivalent is required.

16 (5) For adjustable rate loans made, brokered, or serviced, all of  
17 the following:  
18 (A) The total number, aggregate principal amount, lowest  
19 beginning interest rate, highest beginning interest rate, highest  
20 margin, and a list of the institutional lenders of record. If the loan  
21 was funded by any lender other than an institutional lender, the  
22 broker shall categorize the loan as privately funded.  
23 (B) The total number and aggregate principal amount of covered  
24 loans, as defined in Section 4970 of the Financial Code.  
25 (C) The total number and aggregate principal amount of loans  
26 for which Department of Real Estate form RE Form 885 or an  
27 equivalent is required.

28 (6) For all loans made, brokered, or serviced, the total number  
29 and aggregate principal amount of loans funded by institutional  
30 lenders, and the total number and aggregate principal amount of  
31 loans funded by private lenders.

32 (7) For all loans made, brokered, or serviced, the total number  
33 and aggregate principal amount of loans that included a prepayment  
34 penalty, the minimum prepayment penalty length, the maximum  
35 prepayment penalty length, and the number of loans with  
36 prepayment penalties whose length exceeded the length of time  
37 before the borrower's loan payment amount could increase.

38 (8) For all loans brokered, the total compensation received by  
39 the broker, including yield spread premiums, commissions, and

1 rebates, but excluding compensation used to pay fees for third-party  
2 services on behalf of the borrower.

3 (9) For all mortgage loans made or brokered, the total number  
4 of loans for which a mortgage loan disclosure statement was  
5 provided in a language other than English, and the number of forms  
6 provided per language other than English.

7 (10) For all mortgage loans serviced, the total amount of funds  
8 advanced to be applied toward a payment to protect the security  
9 of the note being serviced.

10 (11) For purposes of this section, an institutional lender has the  
11 meaning specified in paragraph (1) of subdivision (c) of Section  
12 10232.

13 (b) A broker subject to this section and Section 10232.2 may  
14 file consolidated reports that include all of the information required  
15 under this section and Section 10232.2. Those consolidated reports  
16 shall clearly indicate that they are intended to satisfy the  
17 requirements of both sections.

18 (c) If a broker subject to this section fails to timely file the report  
19 required under this section, the commissioner may cause an  
20 examination and report to be made and may charge the broker one  
21 and one-half times the cost of making the examination and report.  
22 In determining the hourly cost incurred by the commissioner for  
23 conducting an examination and preparing the report, the  
24 commissioner may use the estimated average hourly cost for all  
25 department audit staff performing audits of real estate brokers. If  
26 a broker fails to pay the commissioner's cost within 60 days of the  
27 mailing of a notice of billing, the commissioner may suspend the  
28 broker's license or deny renewal of that license. The suspension  
29 or denial shall remain in effect until the billed amount is paid or  
30 the broker's right to renew a license has expired. The commissioner  
31 may maintain an action for the recovery of the billed amount in  
32 any court of competent jurisdiction.

33 (d) The report described in this section is exempted from any  
34 requirement of public disclosure by paragraph (2) of subdivision  
35 (d) of Section 6254 of the Government Code.

36 (e) The commissioner may waive the requirement to submit  
37 certain information described in paragraphs (1) to (10), inclusive,  
38 of subdivision (a) if the commissioner determines that this  
39 information is duplicative of information required by the

1 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,  
2 pursuant to Section 10166.08.

3 SEC. 43. Section 10166.08 of the Business and Professions  
4 Code is amended to read:

5 10166.08. Each mortgage loan originator shall submit reports  
6 of condition to the Nationwide ~~Mortgage~~ *Multistate* Licensing  
7 System and Registry reports of condition, and those reports shall  
8 be in the form and shall contain information as the Nationwide  
9 ~~Mortgage~~ *Multistate* Licensing System and Registry may require.

10 SEC. 44. Section 10166.10 of the Business and Professions  
11 Code is amended to read:

12 10166.10. (a) A mortgage loan originator shall complete at  
13 least eight hours of continuing education annually, which shall  
14 include at least three hours relating to federal law and regulations,  
15 two hours of ethics, which shall include instruction on fraud,  
16 consumer protection, and fair lending issues, and two hours related  
17 to lending standards for the nontraditional mortgage product  
18 marketplace.

19 (b) For purposes of subdivision (a), continuing education courses  
20 and course providers shall be reviewed and approved by the  
21 commissioner and the Nationwide ~~Mortgage~~ *Multistate* Licensing  
22 System and Registry.

23 (c) The commissioner shall have the authority to substitute any  
24 of the courses described in subdivision (a) for the course  
25 requirements of Section 10170.5, subject to a finding that the  
26 course requirements in subdivision (a) and the course completion  
27 standards in subdivision (g) of Section 10166.06 are substantially  
28 equivalent to, and meet the intent of, Section 10170.5.

29 (d) ~~Nothing in this section shall~~ *This section does not* preclude  
30 any education course, as approved by the commissioner and the  
31 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,  
32 that is provided by the employer of the mortgage loan originator  
33 or an entity that is affiliated with the mortgage loan originator by  
34 an agency contract, or any subsidiary or affiliate of the employer  
35 or entity.

36 (e) Continuing education may be offered either in a classroom,  
37 online, or by any other means approved by the commissioner and  
38 the Nationwide ~~Mortgage~~ *Multistate* Licensing System and  
39 Registry.



1 (f) A mortgage loan originator may only receive credit for a  
2 continuing education course in the year in which the course is  
3 taken.

4 (g) A mortgage loan originator may not take the same approved  
5 course in the same or successive years to meet the requirements  
6 of this section for continuing education.

7 (h) A mortgage loan originator who is an instructor of an  
8 approved continuing education course may receive credit for ~~his~~  
9 ~~or her~~ *their* own annual continuing education requirement at the  
10 rate of two hours credit for every one hour taught.

11 (i) A person who successfully completes the education  
12 requirements approved by the Nationwide ~~Mortgage~~ *Multistate*  
13 Licensing System and Registry in any state other than California  
14 shall be granted credit by the commissioner towards completion  
15 of continuing education requirements in this state.

16 (j) A mortgage loan originator whose license endorsement  
17 lapses, expires, or is suspended or revoked, and who wishes to  
18 regain ~~his or her~~ *their* license endorsement, shall complete  
19 continuing education requirements for the last year in which the  
20 endorsement was held, ~~prior to~~ *before* issuance of a new or renewed  
21 endorsement.

22 SEC. 45. Section 10166.15 of the Business and Professions  
23 Code is amended to read:

24 10166.15. (a) The commissioner shall regularly report  
25 violations of this article, as well as enforcement actions taken  
26 against any mortgage loan originator to whom an endorsement has  
27 been issued, and enforcement actions taken against any individual  
28 for failure to obtain an endorsement as a mortgage loan originator,  
29 to the Nationwide ~~Mortgage~~ *Multistate* Licensing System and  
30 Registry.

31 (b) The commissioner shall establish a process that may be used  
32 by mortgage loan originators to challenge information entered into  
33 the Nationwide ~~Mortgage~~ *Multistate* Licensing System and  
34 Registry by the commissioner.

35 (c) The commissioner is authorized to promulgate regulations  
36 specifying (1) the recordkeeping requirements that mortgage loan  
37 originators shall satisfy and (2) the penalties that shall apply to  
38 mortgage loan originators for violations of this article.

39 SEC. 46. Section 10166.16 of the Business and Professions  
40 Code is amended to read:

1 10166.16. (a) Except as otherwise provided in Section 1512  
2 of the SAFE Act, the requirements under any federal or state law  
3 regarding the privacy or confidentiality of any information or  
4 material provided to the Nationwide ~~Mortgage~~ *Multistate* Licensing  
5 System and Registry, and any privilege arising under federal or  
6 state law, including the rules of any federal or state court, with  
7 respect to that information or material, shall continue to apply to  
8 the information or material after the information or material has  
9 been disclosed to the Nationwide ~~Mortgage~~ *Multistate* Licensing  
10 System and Registry. The information and material may be shared  
11 with all state and federal regulatory officials with mortgage  
12 industry oversight authority without the loss of privilege or the  
13 loss of confidentiality protections provided by federal or state law.

14 (b) For these purposes, the commissioner is authorized to enter  
15 agreements or sharing arrangements with other governmental  
16 agencies, the Conference of State Bank Supervisors, the American  
17 Association of Residential Mortgage Regulators, or other  
18 associations representing governmental agencies as established by  
19 rule, regulation or order of the commissioner.

20 (c) Information or material that is subject to a privilege or  
21 confidentiality under subdivision (a) shall not be subject to either  
22 of the following:

23 (1) Disclosure under any federal or state law governing the  
24 disclosure to the public of information held by an officer or an  
25 agency of the federal government or the state.

26 (2) Subpoena or discovery, or admission into evidence, in any  
27 private civil action or administrative process, unless with respect  
28 to any privilege held by the Nationwide ~~Mortgage~~ *Multistate*  
29 Licensing System and Registry with respect to the information or  
30 material, the person to whom the information or material pertains  
31 waives, in whole or in part, in the discretion of the person, that  
32 privilege.

33 (d) This section shall not apply with respect to the information  
34 or material relating to the employment history of, and publicly  
35 adjudicated disciplinary and enforcement actions against, mortgage  
36 loan originators that is included in the Nationwide ~~Mortgage~~  
37 *Multistate* Licensing System and Registry for access by the public.

38 SEC. 47. Section 10166.17 of the Business and Professions  
39 Code is amended to read:

1 10166.17. In addition to any other duties imposed upon the  
2 commissioner by law, the commissioner shall require mortgage  
3 loan originators to be licensed and registered through the  
4 Nationwide-Mortgage *Multistate* Licensing System and Registry.  
5 In order to carry out this requirement the commissioner is  
6 authorized to participate in the Nationwide-Mortgage *Multistate*  
7 Licensing System and Registry. For this purpose, the commissioner  
8 may establish by rule, regulation, or order, requirements as  
9 necessary, including, but not limited to, the following:

10 (a) Background checks for the following:

11 (1) Criminal history through fingerprint or other databases.

12 (2) Civil or administrative records.

13 (3) Credit history.

14 (4) Any other information as deemed necessary by the  
15 Nationwide-Mortgage *Multistate* Licensing System and Registry.

16 (b) The payment of fees to apply for or renew licenses through  
17 the Nationwide-Mortgage *Multistate* Licensing System and  
18 Registry.

19 (c) The setting or resetting as necessary of renewal or reporting  
20 dates.

21 (d) Requirements for amending or surrendering a license or any  
22 other activities as the commissioner deems necessary for  
23 participation in the Nationwide-Mortgage *Multistate* Licensing  
24 System and Registry.

25 SEC. 48. Section 10235.5 of the Business and Professions  
26 Code is amended to read:

27 10235.5. (a) A real estate licensee or mortgage loan originator  
28 shall not place an advertisement disseminated primarily in this  
29 state for a loan unless there is disclosed within the printed text of  
30 that advertisement, or the oral text in the case of a radio or  
31 television advertisement, the Department of Real Estate number  
32 and the unique identifier assigned to that licensee by the  
33 Nationwide-Mortgage *Multistate* Licensing System and Registry  
34 under which the loan would be made or arranged.

35 (b) "Mortgage loan originator," "unique identifier," and  
36 "Nationwide-Mortgage *Multistate* Licensing System and Registry"  
37 have the meanings set forth in Section 10166.01.

38 SEC. 49. Section 10236.4 of the Business and Professions  
39 Code is amended to read:

1 10236.4. (a) In compliance with Section 10235.5, every  
 2 licensed real estate broker shall also display ~~his or her~~ *their* license  
 3 number on all advertisements where there is a solicitation for  
 4 borrowers or potential investors. Every mortgage loan originator,  
 5 as defined in Section 10166.01, shall also display the unique  
 6 identifier assigned to that individual by the Nationwide ~~Mortgage~~  
 7 *Multistate* Licensing System and Registry on all advertisements  
 8 where there is a solicitation for borrowers.

9 (b) The disclosures required by Sections 10232.4 and 10240  
 10 shall include the licensee’s license number, the mortgage loan  
 11 originator’s unique identifier, if applicable, and the department’s  
 12 license information telephone number.

13 (c) “Mortgage loan originator,” “unique identifier,” and  
 14 “~~Nationwide Mortgage~~ *Multistate* Licensing System and Registry”  
 15 have the meanings set forth in Section 10166.01.

16 SEC. 50. Section 12303 of the Business and Professions Code  
 17 is amended to read:

18 12303. The state standards of weights and measures by which  
 19 all state and county standards of weights and measures shall be  
 20 tried, proved, and sealed include the following standards, provided  
 21 the standards have been certified relative to national standards  
 22 under the direction of the National Institute of Standards and  
 23 Technology:

- 24 (a) Metrological standards provided by the United States.
- 25 (b) Metrological standards procured by the state.
- 26 (c) Metrological standards in the possession of county sealers.
- 27 (d) Metrological standards in the possession of laboratories  
 28 certified to perform measurement services pursuant to Section  
 29 ~~12500.7.~~ *12314.*

30 SEC. 51. No reimbursement is required by this act pursuant to  
 31 Section 6 of Article XIII B of the California Constitution because  
 32 the only costs that may be incurred by a local agency or school  
 33 district will be incurred because this act creates a new crime or  
 34 infraction, eliminates a crime or infraction, or changes the penalty  
 35 for a crime or infraction, within the meaning of Section 17556 of  
 36 the Government Code, or changes the definition of a crime within  
 37 the meaning of Section 6 of Article XIII B of the California  
 38 Constitution.

O



## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

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March 25, 2022

The Honorable Richard Roth, Chair  
Senate Standing Committee on Business,  
Professions and Economic Development  
1021 O Street, Room 3320  
Sacramento, CA 95814

RE: **SUPPORT** for Senate Bill 1495

Dear Chairman Roth:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) has voted to take a position of **Support** on Senate Bill (SB 1495), which is scheduled to be heard by the Senate Standing Committee on Business, Professions and Economic Development April 18, 2022.

As it pertains to the Board, SB 1495 would amend Business and Professions Code section 7841.2 relating to applications for certification as a Geologist-in-Training. The amendments would allow applicants to certify that they meet the requirements for certification without the Board having to independently confirm the applicants' qualifications. The Geologist-in-Training certification is an entry-level certificate that does not allow the holder to practice, or offer to practice, geology. When an individual applies for licensure as a Professional Geologist, the Board then confirms that the applicant has the required education and experience for licensure. By allowing applicants to self-certify to their qualifications for the entry-level certificate, the Board will be able to process the applications and issue the certificates more expeditiously, while still confirming an individual's qualifications at the time of licensure at the professional level.

If you wish to discuss the Board's position on this bill further, I may be contacted at [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov) or 916-999-3580.

Sincerely,

*Original Signed*

NANCY A. EISSLER  
Assistant Executive Officer

**VII. Enforcement**

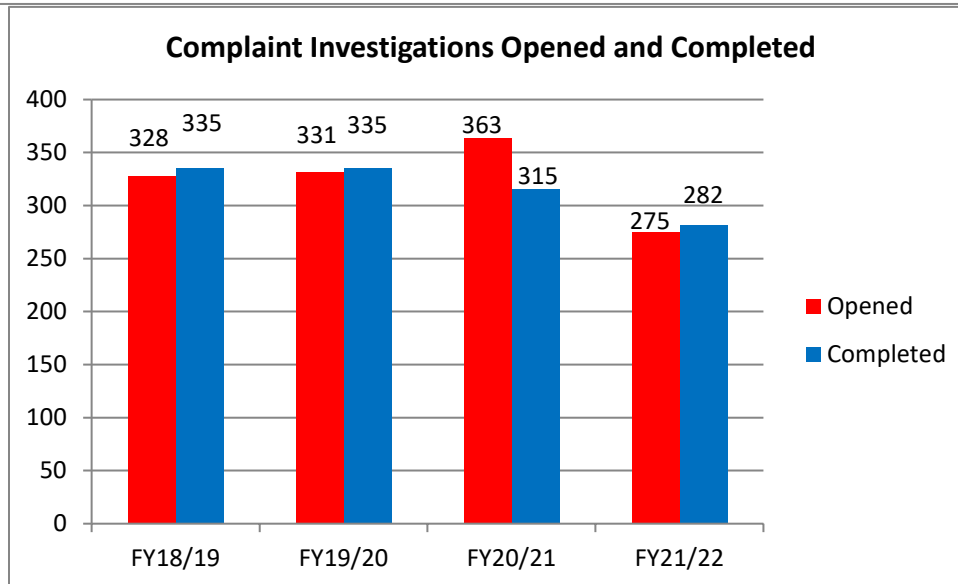
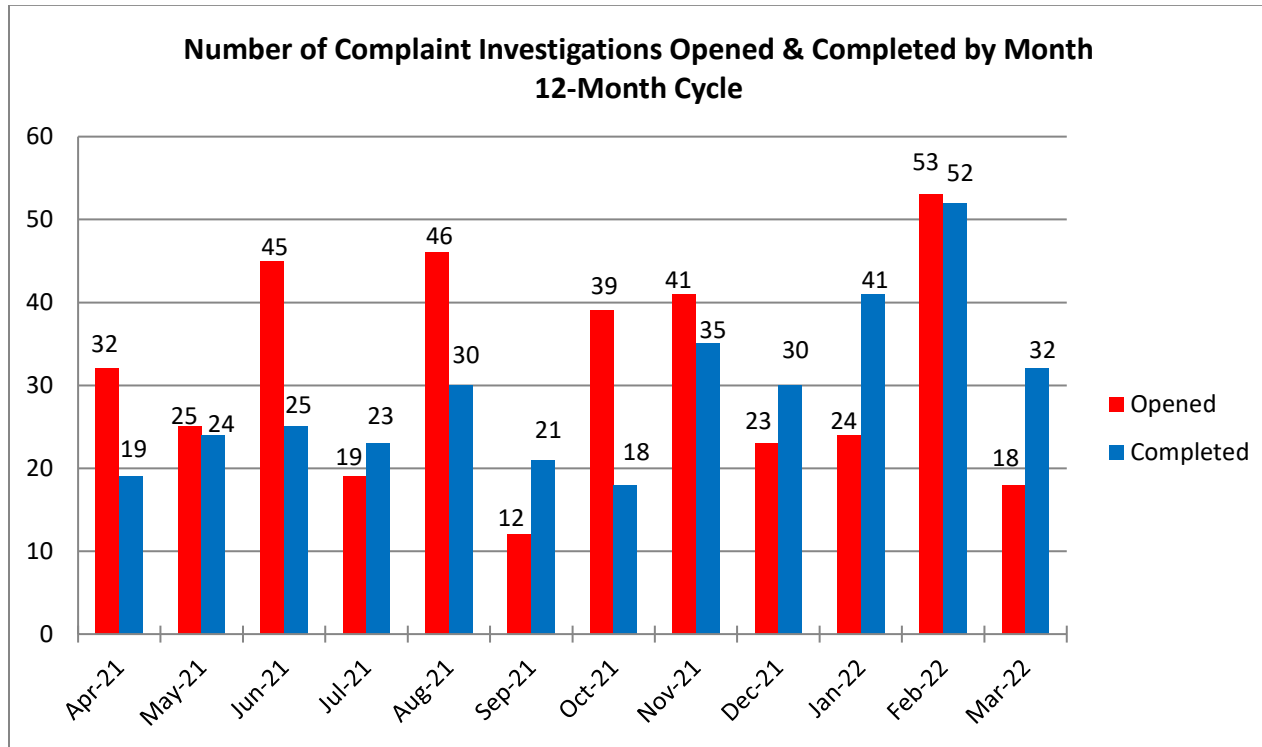
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A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update



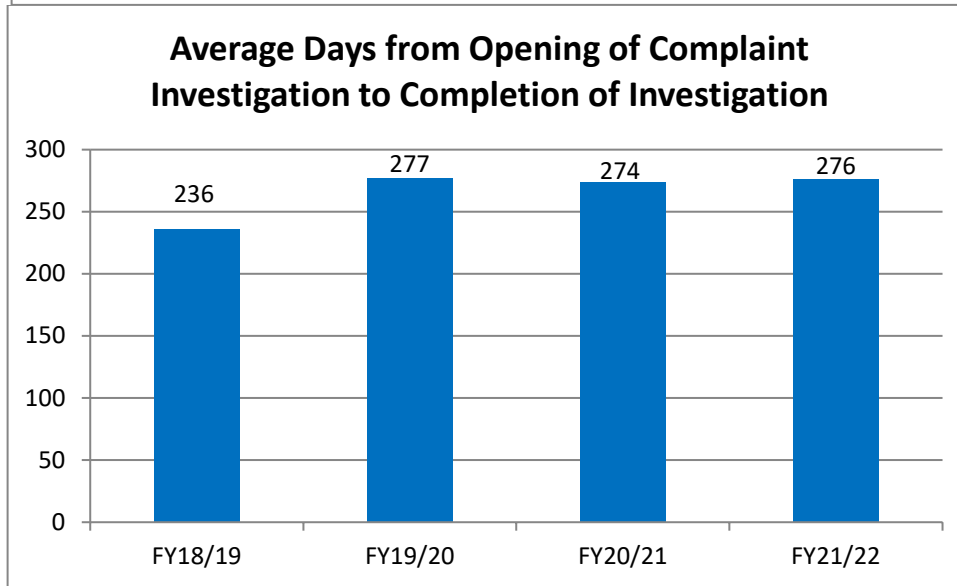
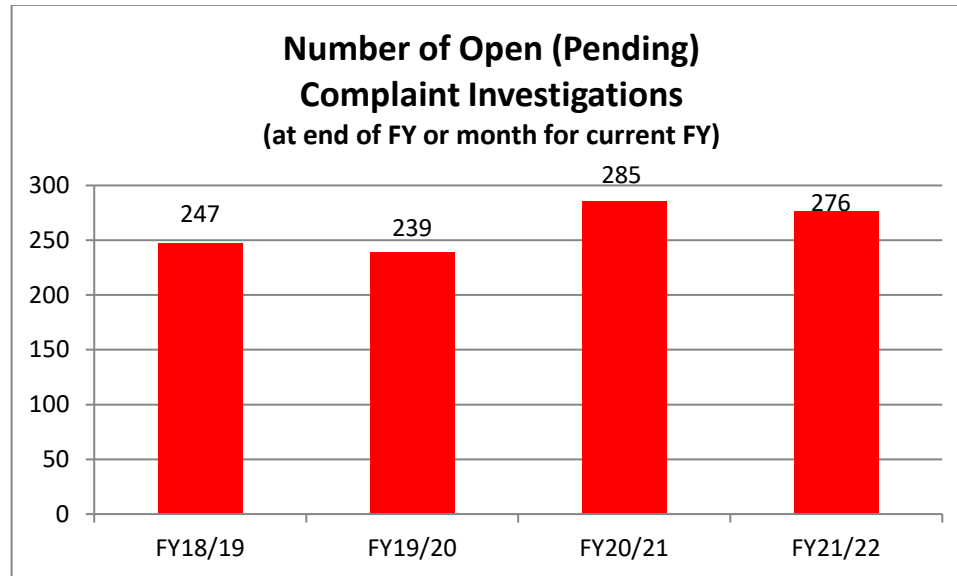
# Complaint Investigation Phase



NOTE: FY20/21 statistics are through March 31, 2022



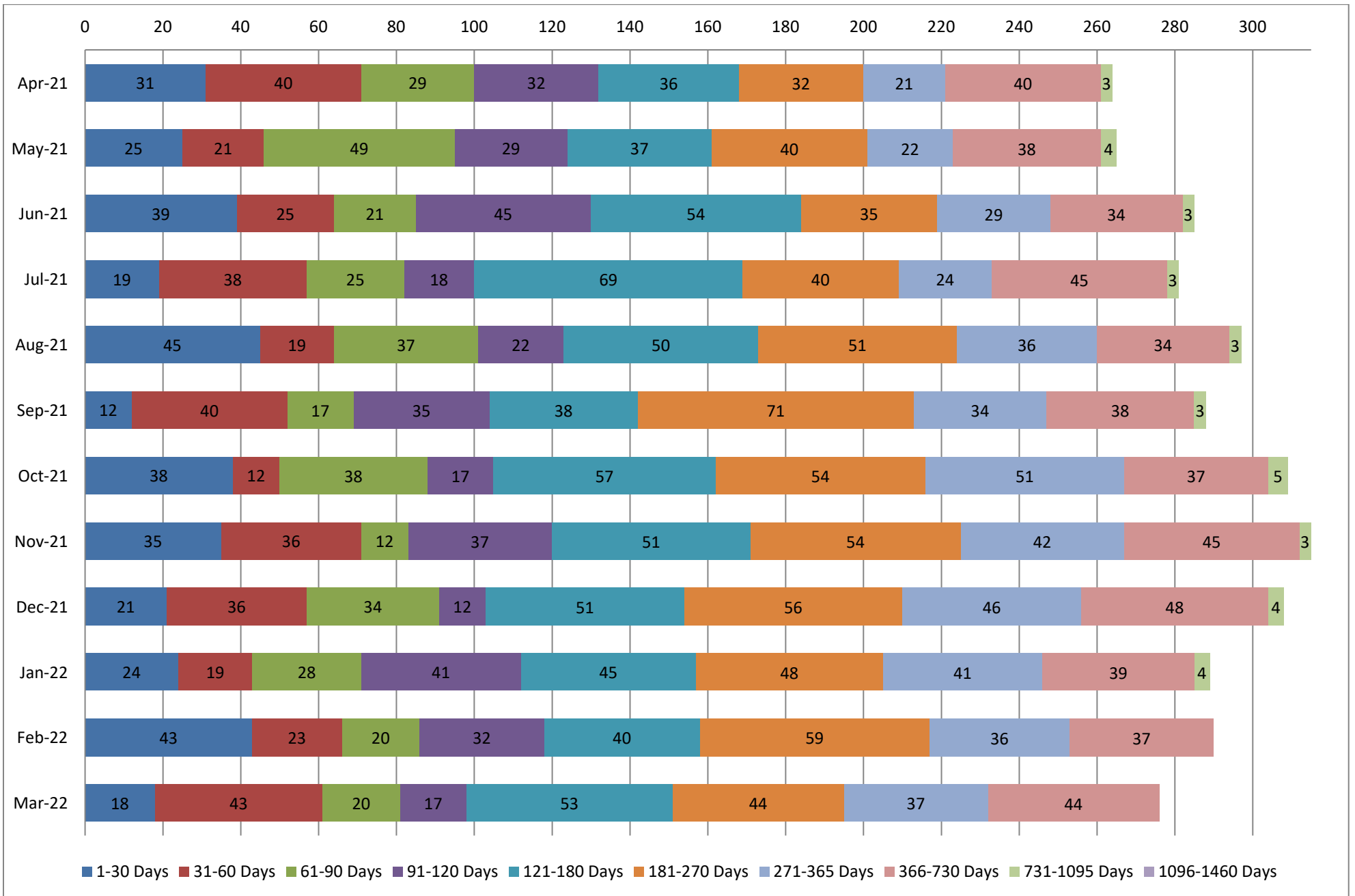
# Complaint Investigation Phase



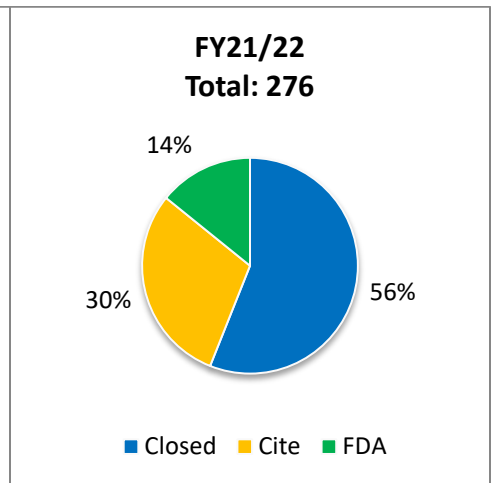
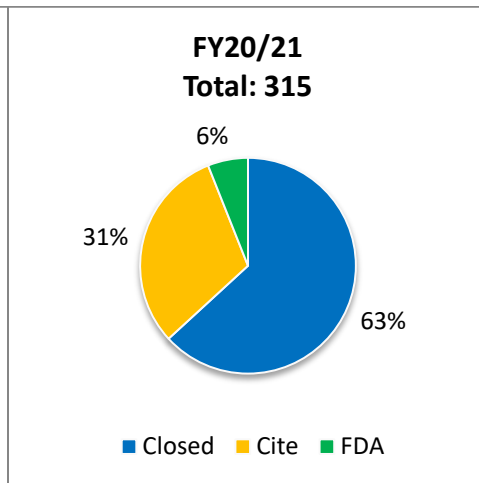
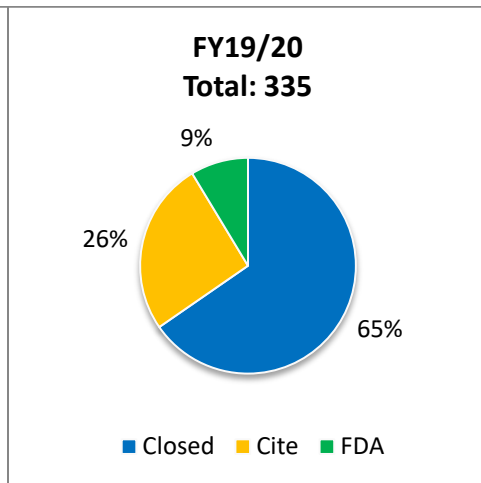
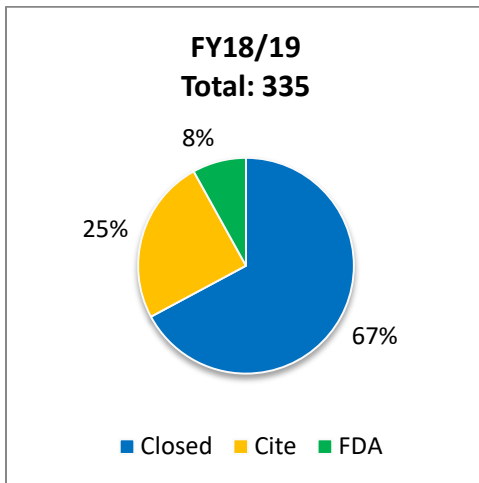
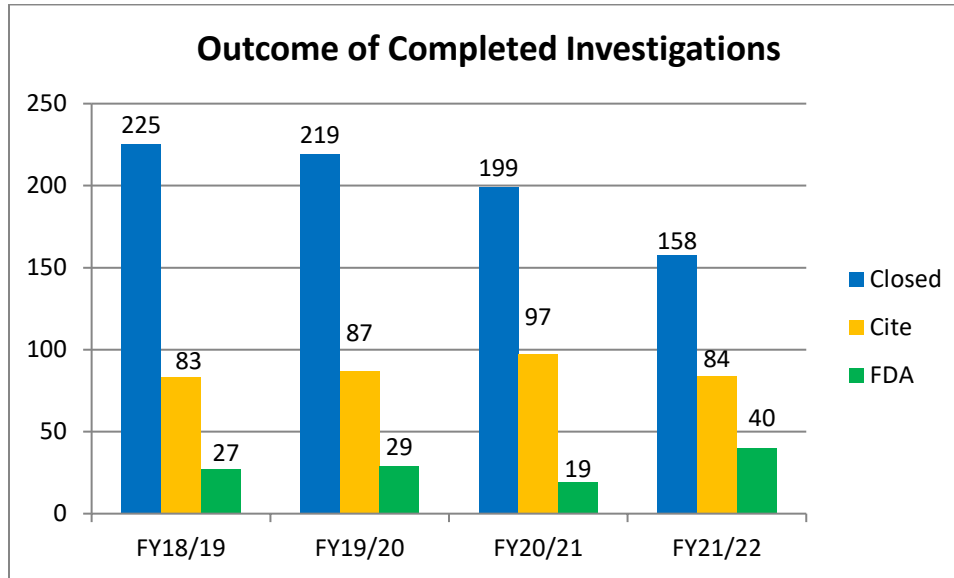
NOTE: FY20/21 statistics are through March 31, 2022

# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



# Complaint Investigation Phase Outcome of Completed Investigations



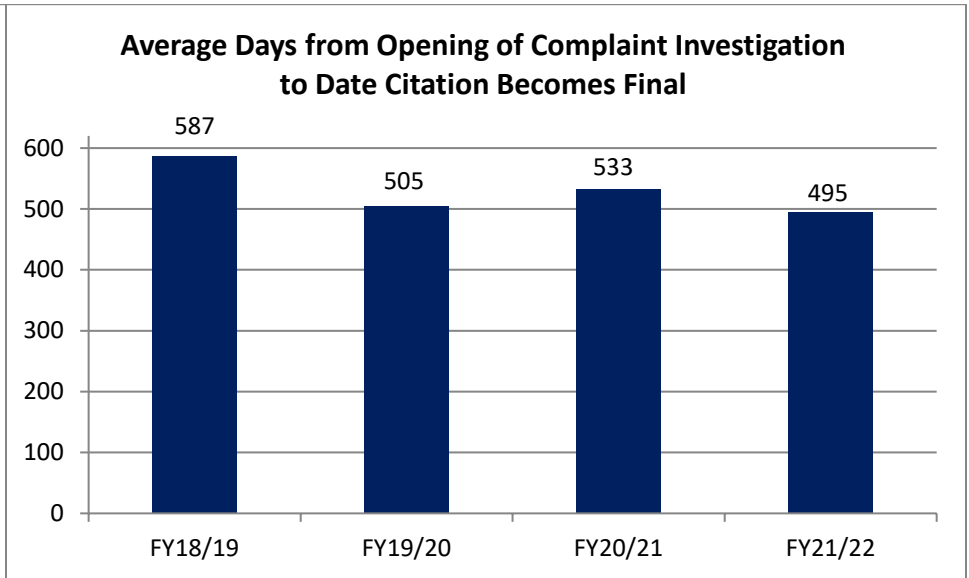
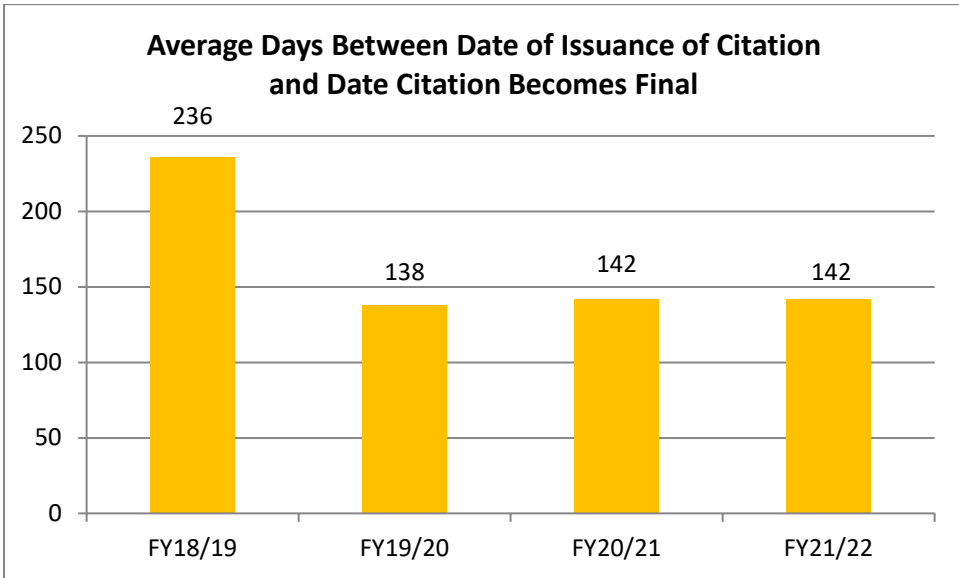
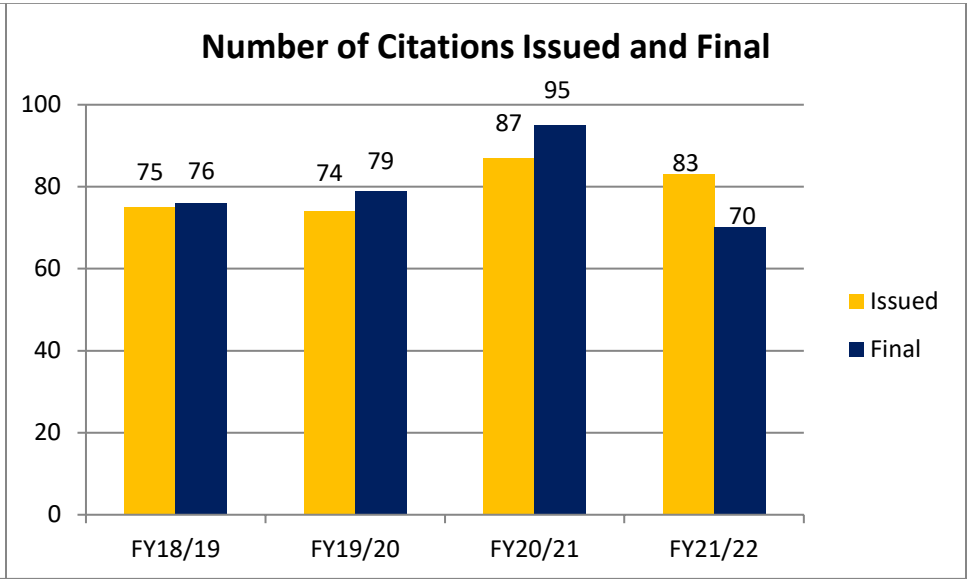
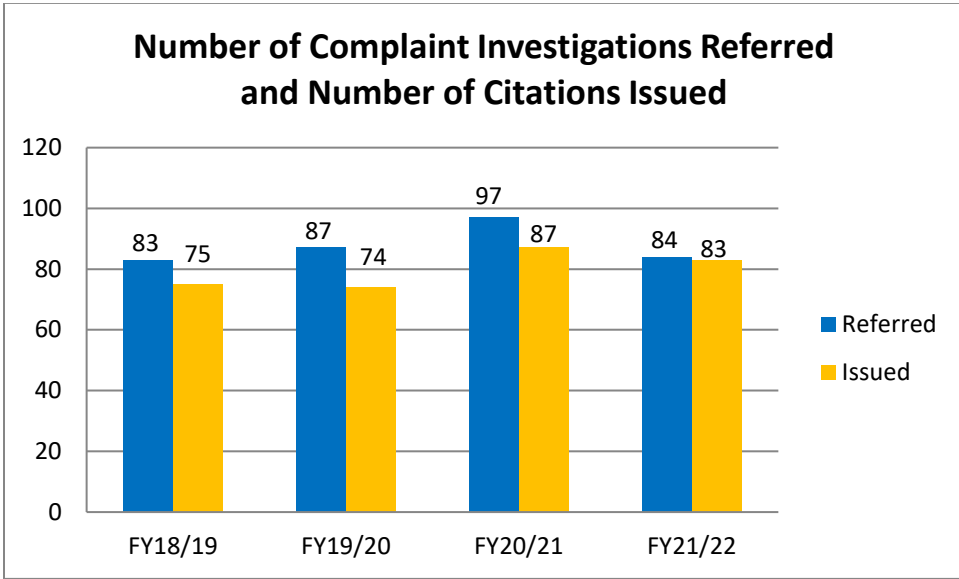
**NOTE: FY20/21 statistics are through March 31, 2022**

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

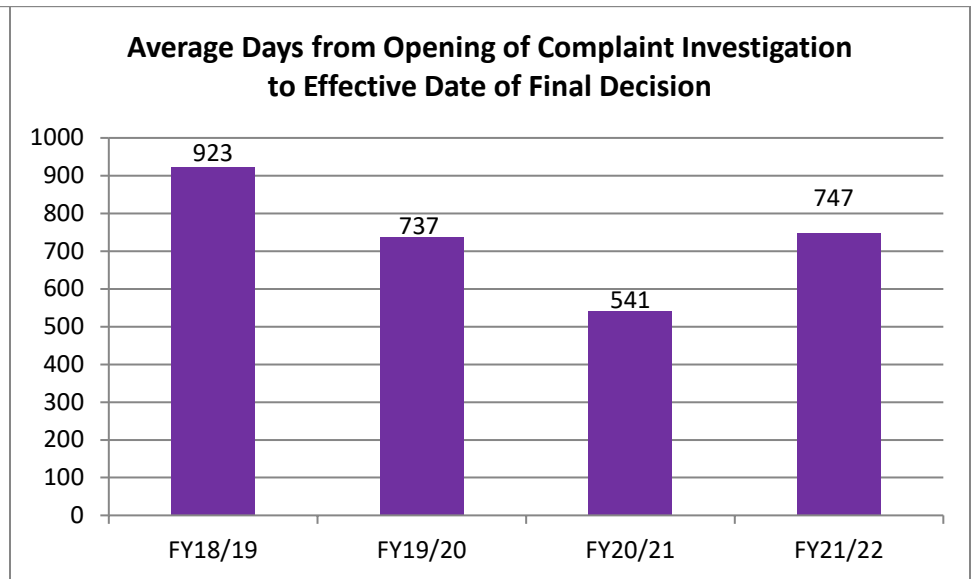
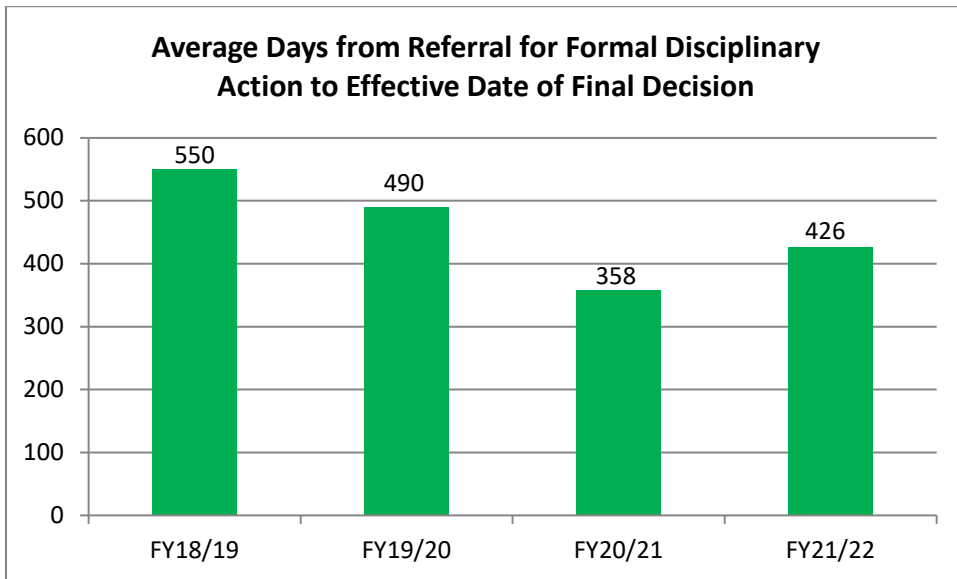
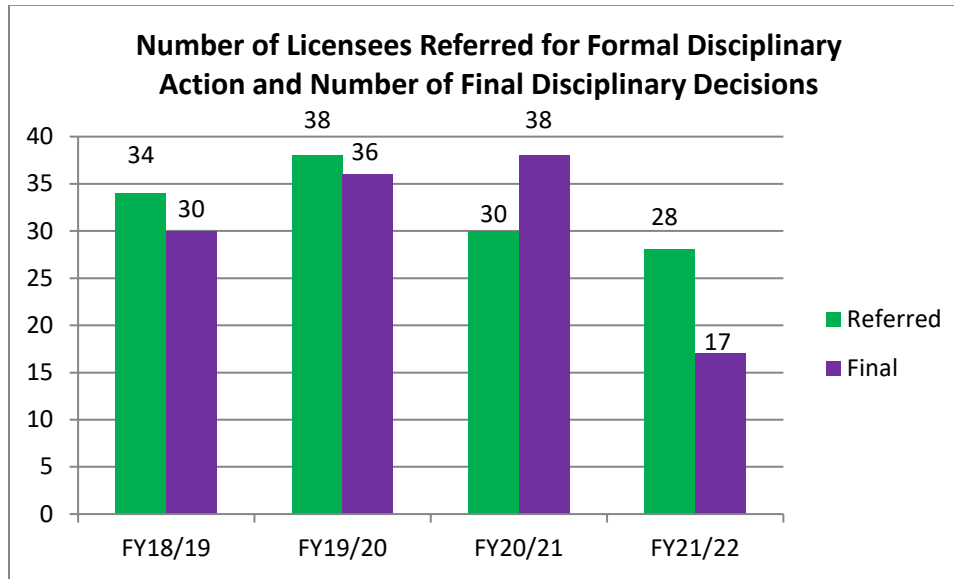
FDA = Referred for Formal Disciplinary Action

# Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through March 31, 2022

# Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through March 31, 2022

## Complaint Investigation Phase

### Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
April 2021	32	19
May 2021	25	24
June 2021	45	25
July 2021	19	23
August 2021	46	30
September 2021	12	21
October 2021	39	18
November 2021	41	35
December 2021	23	30
January 2022	24	41
February 2022	53	52
March 2022	18	32

### Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2018/19	328	335
2019/20	331	335
2020/21	363	315
2021/22	275	282

Current Fiscal Year through March 31, 2022

### Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2018/19	247
2019/20	239
2020/21	285
2021/22	276

Current Fiscal Year through March 31, 2022

## Complaint Investigation Phase

### Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2018/19	236
2019/20	277
2020/21	274
2021/22	276

Current Fiscal Year through March 31, 2022

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	158	56%	84	30%	40	14%

Current Fiscal Year through March 31, 2022

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

## Complaint Investigation Phase

### Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
April 2021	31	40	29	32	36	32	21	40	3	0
May 2021	25	21	49	29	37	40	22	38	4	0
June 2021	39	25	21	45	54	35	29	34	3	0
July 2021	19	38	25	18	69	40	24	45	3	0
August 2021	45	19	37	22	50	51	36	34	3	0
September 2021	12	40	17	25	38	71	34	38	3	0
October 2021	38	12	38	17	57	54	51	37	5	0
November 2021	35	36	12	37	51	54	42	45	3	0
December 2021	21	36	34	12	51	56	46	48	4	0
January 2022	24	19	28	41	45	48	41	39	4	0
February 2022	43	23	20	32	40	59	36	37	0	0
March 2022	18	43	20	17	53	44	37	44	0	0



## Citations (Informal Enforcement Actions)

### Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2018/19	83	75
2019/20	87	74
2020/21	97	87
2021/22	84	83

Current Fiscal Year through March 31, 2022

### Number of Citations Issued and Final

Fiscal Year	Issued	Final
2018/19	75	76
2019/20	74	79
2020/21	87	95
2021/22	83	70

Current Fiscal Year through March 31, 2022

### Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2018/19	236
2019/20	138
2020/21	142
2021/22	142

Current Fiscal Year through March 31, 2022

### Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2018/19	587
2019/20	505
2020/21	533
2021/22	495

Current Fiscal Year through March 31, 2022

## Formal Disciplinary Actions Against Licensees

### Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2018/19	34	30
2019/20	38	35
2020/21	30	38
2021/22	28	17

Current Fiscal Year through March 31, 2022

### Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2018/19	550
2019/20	490
2020/21	358
2021/22	426

Current Fiscal Year through March 31, 2022

### Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2018/19	923
2019/20	737
2020/21	541
2021/22	747

Current Fiscal Year through March 31, 2022



## **VIII. Exams/Licensing**

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- A. Examination Updates
- B. 2021 Examination Results



## **IX. Executive Officer's Report**

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV – Update
  - 2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Update
  - 3. Proposed Motion from New Mexico Board related to NCEES Model Law 130.10.B.2 Related to Professional Engineer Licensure (Possible Action)
- G. Update on Outreach Efforts



## Rulemaking Status Report

- 1. Examination Fees, Abandoned Applications, and Postponements (Title 16, California Code of Regulations sections [16 CCR] 3005, 3024, 3024.5, and 3026)**
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
    - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
    - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 2. Applications, Final Filing Dates, and Schedules of Examinations (16 CCR sections 420, 422, 3021, 3023, 3023.1, and 3032)**
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
    - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
    - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 3. References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers (16 CCR 426.14, 427.10, 427.20, and 427.30)**
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
    - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
    - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 4. Definition of Traffic Engineering (16 CCR 404)**
  - Board staff working with DCA Legal to prepare documents for initial notice.
    - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
    - Board directed staff to pursue rulemaking proposal on March 8, 2018.
- 5. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR 3003 and 3003.1)**
  - Board staff working on pre-notice documents on September 3, 2021.
    - Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: [http://www.bpelsq.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsq.ca.gov/about_us/rulemaking.shtml).



## PROJECT STATUS REPORT

<b>Reporting period:</b>	1/21/2020 – 4/21/2022	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule</b>	<b>GREEN</b>	<b>Budget</b>	<b>GREEN</b>	<b>Issues</b>	<b>GREEN</b>
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PI 4 – Further development on investigation monitoring/management and additional licensing and cashing functionality.

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live	On-going	Jan 2021	No
Go Live – PI4	Estimated	4/29/2022	No

Greetings NCEES Western Zone Interim Meeting attendees:

**I am reaching out today as the Chair of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors (NMBLPEPS).** Like NCEES, NMBLPEPS has seen an imperative need to focus on license mobility. In some circumstances we have faced situations where seemingly qualified candidates are unable to gain licensure into New Mexico despite a lengthy history of regulated practice in other jurisdictions.

As licensing boards, we may not all agree on the standards for suitable *initial* entry into the profession. However, once someone has been practicing under an attentive jurisdiction for years without incident the differences between our initial barriers seem less critical to our shared goal of safeguarding life, health, and property, and to promote the public welfare.

To address this concept, NMBLPEPS adopted a new path to comity for engineers that is at the same time simple and rigorous ([NMSA 61-23-14.1.D.\(3\)](#)). The requirements are essentially: 1) to be actively licensed in a United States jurisdiction for a minimum of 10 years prior to application, 2) not have any disciplinary activity related to conduct or practice in the five years immediately preceding application, and 3) not ever have had a professional license suspended or revoked.

Many Boards are faced with political initiatives that seek to remove essentially *all* perceived “barriers to licensure”. Often this takes the form of a carte blanche immediate acceptance of licensees from other jurisdictions regardless of the initial entry requirements- essentially a lowest bar approach to professional licensing. NMBLPEPS believes that the best way to counter this is to offer a credible alternative that is based in demonstrated experience and acceptable practice. As such, **NMBLPEPS will be asking for Western Zone support of a motion to amend subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination**

**of Engineers and Surveyors (NCEES).** A recent motion passed by NMBLPEPS specifically including the language to be added to subpart 130.10.B.2.b. is attached for your consideration.

Those familiar with NCEES will immediately recognize that change happens slowly within the organization. This is by design and is generally appropriate given our collective responsibilities. However, we need to get the ball rolling, and if we fail to take appropriate measures soon I believe we will very likely be handed a solution by our respective political oversight bodies that will prove far less palatable.

If you have any questions regarding how this comity path has worked in New Mexico or would like to discuss any aspect of this proposal, please feel free to reach out in advance of the Western Zone meeting or speak with me at the meeting.

NMBLPEPS would greatly appreciate your support on this initiative. Thank you for your consideration.

Karl E. Tonander, P.G., P.E.

**NMBLPEPS Board Chair**

*Whereas* the New Mexico Board of Professional Engineers and Professional Surveyors (NMBLPEPS) acknowledges the need to improve professional engineer licensure mobility into New Mexico and throughout the United States; and

*Whereas* NMBLPEPS recognizes that the licensing jurisdictions within the United States often have unique criteria that limit professional engineer mobility; and

*Whereas* NMBLPEPS acknowledges that licensing boards play a vital role in supervising professional registrants, and that such supervision and resultant actions taken against registrants can be used to evaluate the character and quality of a registered professional; and

*Whereas* NMBLPEPS took measures to remove regulatory barriers into New Mexico for Professional Engineers by adopting certain changes to its Act and Rules, and those changes have proven successful in removing barriers without increased hazard to the public we serve, now therefore be it


*Resolved* that NMBLPEPS will advocate for the passage of a change to subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination of Engineers and Surveyors (NCEES) as follows:


The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

1. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
2. An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
3. An individual holding a certificate of licensure to engage in the practice of engineering issued by the District of Columbia, another state, a territory, or a possession of the United States, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three (3) of the following criteria:
  - a) has been actively licensed for a minimum of ten (10) years contiguous immediately preceding application to this jurisdiction;
  - b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and
  - c) has not had their professional license suspended or revoked at any time from any jurisdiction.

# QUARTERLY OUTREACH REPORT (Q3)

## SOCIAL MEDIA: JANUARY- MARCH 2022

 <b>TOP FACEBOOK POSTS</b>	<b>DATE</b>	<b>VIEWS</b>
131 Years Ago Today	3/31	789
UCLA "Thank You for Hosting Us"	2/16	513
CSU Chico "Thank You for Hosting Us"	2/17	490
Unanticipated Volume of Applicants	3/18	460
Board Members Pix at March 7 Mtg	3/10	350

 <b>TOP TWEETS</b>	<b>DATE</b>	<b>VIEWS</b>
Board Members Pix at March 7 Mtg	3/10	233
World Water Day	3/22	200
Meeting Materials for March 7 Mtg	3/2	195
UC Riverside "Thank You for Hosting"	2/24	115
CPUC "Thank You for Hosting"	2/25	110

<b>WEB PAGE VIEWS</b>	<b>VIEWS</b>
License lookup	259,223
Board Front Page	187,505
Applicants Information	132,710
PE Application	107,302
Licensee Information	75,972

# QUARTERLY OUTREACH REPORT (Q3)

## OUTREACH EVENTS: JANUARY- MARCH 2022

*ALL Virtual Unless Noted*

<b>JANUARY 2022</b>
Jan 6 - LA CLSA Chapter Presentation. D. Sweeney, P.L.S.
Jan 11 - Napa Engineers Society Presentation. N. King, PE & M. Donelson, PE
Jan 19 - ASCE YMF San Diego Presentation. N. King, PE
Jan 20 - ASCE YMF Orange County Presentation. N. King, PE
Jan 27 - ASCE YMF Sacramento Presentation. N. King, PE
Jan 31 - ASCE YMF San Diego Presentation. N. King, PE

<b>FEBRUARY 2022</b>
Feb 15 - UCLA ASCE & EERI – SEAOSC PE Exam Prep. N. King, PE
Feb 15 - Lot Line Adjustments Discussions w/El Dorado, Sacramento & Placer County Surveyors. D. Sweeney, P.L.S. (In Person)
Feb 16 - CSU Chico Presentation. M. Donelson PE, N. King, PE (In Person)
Feb 17 - CELSA Annual Members Meeting -Discussed Concerns w/Unlicensed Surveying Practice and Its Effects on Industry. R. Moore, P.L.S.
Feb 23 - UC Riverside Senior Design Presentation. M. Donelson, PE
Feb 24 - CPUC Presentation. N. King, PE
Feb 25 - Cal Poly, SLO Electrical Engineering Presentation. M. Donelson, PE

<b>MARCH 2022</b>
Mar 3 - CSU Sacramento GIT Presentation. L. Racca, PG
Mar 11 - CSU San Bernardino GIT Presentation. L. Racca, PG
Mar 16 - CLSA San Diego Land Surveyor Review Course & Chapter Visit. D. Sweeney, P.L.S. (In Person)
Mar 17 - CSU Fresno, GIT Presentation. L. Racca, PG
Mar 17 - Assoc. of Environmental & Engineering Geologists (AEG), San Joaquin Chapter, Presentation on Licensing and Career Flexibility. L. Racca, PG
Mar 25 - SEAOC Board of Directors Mtg., Discuss NCEES 16 Hour Structural Exam. R. Moore, P.L.S. and A. Asgari, SE (In Person)

**X. President's Report/Board Member Activities**

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**XI. Approval of Meeting Minutes (Possible Action)**

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A. Approval of the Minutes of the March 7, 2022, Board Meeting





**DRAFT**

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

Department of Consumer Affairs  
HQ 2 North Market Hearing Room  
1747 North Market Boulevard, #186  
Sacramento, CA 95834

Monday, March 7, 2022, beginning at 9:00 a.m.

**Monday, March 7, 2022**

<b>Board Members Present:</b>	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Michael Hartley; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Wilfredo Sanchez; and Christina Wong
<b>Board Members Absent:</b>	Duane Friel; Kathy Jones Irish; and Frank Ruffino
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Mathieson called the meeting to order at 9:43 a.m., and a quorum was established.

**II. Pledge of Allegiance**

Ms. Wong led everyone in the recitation of the Pledge of Allegiance.

**III. Public Comment for Items Not on the Agenda**

No public comment.

Mr. Moore took a moment to introduce Board staff and their responsibilities. Laurie Racca, Senior Registrar for Geology and Geophysics, announced she is retiring in July.

**IV. Administration**

**A. Fiscal Year 2021/22 Budget Report**

Ms. Hall reported on the Budget. The Board is expecting \$172,000 back in COVID-19 related expenses. She provided updated results for revenue that are a result of the fee increase.

As for the expenses, the projections were updated with an added healthcare stipend that is included for state employees to the Personal Services line. Printing costs are higher due to EDD contract transition which is billing for prior Fiscal Years.

Mr. King requested the Fund Condition report be included in the meeting materials again and asked about a possible fee increase. Mr. Moore will discuss the fee increase with the managers and consult with the Budget Liaison for the best recommendation and report back to the Board.

**V. Legislation**

**A. 2022 Legislative Calendar**

Ms. Eissler reviewed the Legislative calendar.

**B. Discussion of Legislation for 2022**

1. **AB 646** (Low) Department of Consumer Affairs: boards: expunged convictions.

<b>MOTION:</b>	Mr. King and Dr. Amistad moved to take a position of Watch on AB 646, as amended January 24, 2022.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

2. **AB 1604** (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

No action taken.

3. **AB 1662** (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

<b>MOTION:</b>	Mr. King and Vice-President D'Antonio moved to take a position of "oppose unless amended" on AB 1662.
<b>VOTE:</b>	9-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak		X			
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong		X			

4. **AB 1733** (Quirk) State bodies: open meetings.

<b>MOTION:</b>	Mr. King and Ms. Wong moved to take a position of "Support" on AB 1733.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

5. **AB 1795** (Fong) Open meetings: remote participation.

<b>MOTION:</b>	Mr. King and Mr. Sanchez moved to take a position of “Watch” on AB 1795.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

6. **SB 1120** (Jones) California Coordinate System.

<b>MOTION:</b>	Mr. Novak and Mr. Johnson moved to take a position of “Support” on SB 1120, as amended March 2, 2022.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

7. **SB 1237** (Newman) Licenses: military service.

<b>MOTION:</b>	Ms. Wong and Dr. Amistad moved to take a position of “Watch” on SB 1237.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

8. **SB 1365** (Jones) Licensing boards: procedures.

<b>MOTION:</b>	Mr. King and Vice-President D’Antonio moved to take a position of “Watch” on SB 1365.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

9. **SB 1443** (Roth) The Department of Consumer Affairs.

<b>MOTION:</b>	Mr. King and Dr. Amistad moved to take a position of “Watch” on SB 1443, as introduced, and authorize staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

**10. SB 1487** (Rubio) Professional Engineers Act: titles.

<b>MOTION:</b>	Mr. Johnson and Dr. Amistad moved to take a position of “Watch” on SB 1487.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

11. Senate Committee on Business, Professions and Economic Development  
2022 Omnibus Bill

<b>MOTION:</b>	Mr. King and Dr. Amistad moved to authorize staff to represent that the Board has a position of “Support” on the bill once it is introduced and contains the Board’s legislative proposal relating to Section 7841.2.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

**VI. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell presented the Enforcement statistics.

**VII. Exams/Licensing**

A. Examination Updates

Mr. Kereszt reported that the spring ASBOG examinations, which consist of the Fundamentals of Geology and the Practice of Geology examinations, will take place March 18, 2022, at the Wyndham Hotel, Sacramento. The California Specific Examination (CSE) for Professional Geologists will take place March 8, 2022, and the California state-specific Professional Land Surveyor examination will take place April 18, 2022, both at Prometric testing centers.

B. 2021 Examination Results

Mr. Kereszt presented the Board with a statistical report that represented the examinations administered during 2021.

C. Presentation from Prometric, Inc., Regarding Civil Engineer Occupational Analysis



Alyssa Rulf Fountain, representing Prometric, provided a virtual presentation that explained the occupational analysis process and answered Board member questions on other exam issues.

## **IX. Executive Officer's Report**

### **F. National Council of Examiners for Engineering and Surveying (NCEES)**

#### **1. Discussion with Western Zone Vice President Scott Bishop, P.S. (UT)**

Western Zone Vice-President Scott Bishop provided a presentation on the mission, vision, functions, and the organizational structure of NCEES including their products, services, and resources.

## **VIII. Strategic Planning**

### **Review Draft Goals and Objectives**

Mr. Moore reviewed the highlighted items in the draft version of the Strategic Plan.

Goal 4: Enforcement item 4.4, *Continue to reduce investigation timelines to streamline enforcement against violators and be responsive to complainants.* Mr. Moore noted that normally we do not establish a goal or objective that does not have a definitive measurement. However, he believes it is important to address and decide whether to maintain this language or revise.

Goal 6: Customer Service and Administration item 6.7. *Consider including management and senior registrar backgrounds and credentials and a staff email and phone directory on the website to inform stakeholders of professional qualifications of the staff who carry out the Board's mission day to day.* The Contact Us page on the Board's website focuses on the tasks and responsibilities, not the person. Mr. Moore wants to maintain a conduit of information that is consistent and ensure that all queries are handled in an appropriate manner. He reviewed other boards' websites and discovered that their contact information is similar to the Board's. Mr. Moore recommended removing this item as a goal. Mr. Hartley indicated that there is more to this Goal than a staff directory. He would like to see the professional qualifications. Mr. Moore indicated that Board staff provides bios when they perform outreach presentations if the presenters wish to introduce them. If our registrars are licensed professionals, that should be sufficient, and they should not be required to demonstrate their qualifications on the Board's website.

Mr. King recommended removing apostrophes from the listed decades in the "About the Board" listing.

President Mathieson suggested modifying Goal 2: Applications and Examinations 2.6 *Advocate for national exam standards and ensure state exams maintain their high quality and accurately reflect the knowledge and skills needed in the profession to accurately measure applicants' qualifications to practice in California.*

She believes there are already exam standards and perhaps the goal should say advocate for high national and state exam standards. Mr. King suggested modifying it to read, *Advocate for national and state exam standards to maintain their high quality and which accurately reflect....*Dr. Qureshi suggested removing the word accurately as it appears twice in the same sentence. *Advocate for national and state exam standards to maintain their high quality and which reflect...*

President Mathieson referenced page 149 Goal 4 inconsistency. Change “the practices of engineering, land surveying, geology, and geophysics” to “the Board’s Professions” to maintain consistency.

President Mathieson suggested modifying Goal 4: 4.5 delete the word “state” and change “agencies” to “entities”.

During public comment, Alan Escarda, representing PECG, expressed his appreciation of the work being done on the Strategic Plan.

<b>MOTION:</b>	Ms. Wong and Mr. Sanchez moved to approve the amended version of the Strategic Plan.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

**IX. Executive Officer's Report**

**A. Rulemaking Status Report**

Mr. Moore reviewed the Rulemaking Status Report. Staff is working with DCA’s Liaison for Regulations and prioritizing 1-3 to ensure they are submitted in a timely manner.

**B. Update on Board’s Business Modernization Project**

Mr. Moore reported we are currently in the final sprint of Product Increment 4, which is scheduled to end in the next few weeks. It will then go into user acceptance testing for all four entities. The focus is on Enforcement with refinements being made to the complaint submittal process and also the ability for staff to manage and monitor workload for their assigned investigations. There are refinements related to licensing as well. 60% related to Enforcement, and 40% related to licensing.

He also reviewed the correspondence from the California Department of Technology (CDT) to Director Kimberly Kirchmeyer which detailed their approval of the continuation of the California Department of Consumer Affairs (DCA) Business Modernization Cohort.

C. Personnel

Mr. Moore reported on two new hires. Angelina Vega was hired in the Administrative Unit as the Board's Human Resources Specialist, and Candace Hayashida was hired in the Examinations Unit for exam development.

Staff is currently working with CalHR to help fill the vacancy that will be left as a result of Laurie Racca's retirement.

There are currently four vacancies. One of the vacancies is in the Administrative Unit, and three are in the Licensing Unit.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore noted that staff remains in communication with ASBOG as they navigate their transition to Computer Based Testing (CBT).

F. National Council of Examiners for Engineering and Surveying (NCEES)

2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Update  
Mr. Moore announced that Alireza Asgari, Michael Hartley, and Nancy Eissler will attend as funded delegates. Mr. Moore will also attend as a Member Board Administrator and Dr. Qureshi as Western Zone Assistant Vice-President.

3. Principles and Practices of Surveying (PS) Exam – 2022 PAKS Study

Mr. Moore announced the Professional Activities and Knowledge Study (PAKS) for the Professional Surveying exam is now available through the Board's website. He expressed the importance of participation by licensees as it aids in the reevaluation of the exam as it currently exists.

G. Update on Outreach Efforts

Mr. Moore reviewed the top social media posts and website views.

**X. President’s Report/Board Member Activities**

President Mathieson reported on the upcoming succession planning for President and Vice President and encouraged Board members who are interested to contact the Nominating Committee, which consists of Dr. Amistad and Dr. Asgari. She also reported that she virtually attended the Board President training provided by DCA.

Dr. Asgari reported that he participated in the NCEES Exams for Professional Engineers (EPE) Committee meeting where they discussed the plumbing mechanical engineering module. It was recommended that it be referred back for more information as the evidence is not adequate and did not demonstrate a need.

**XI. Approval of Meeting Minutes**

A. Approval of the Minutes of the January 10-11, 2022, Board Meeting

<b>MOTION:</b>	Mr. King and Dr. Qureshi moved to approve the minutes.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Christina Wong	X				

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

Mr. Moore reported that he is open to the possibility of alternate locations for the next Board meeting. Ms. Calderone will check the availability of the Department’s conference room as a back-up plan.

**XIII. Closed Session – The Board met in Closed Session to discuss, as needed:**

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

D. Pending Litigation [Pursuant to Government Code section 11126(e)]

**XIV. Adjournment**

Adjournment immediately followed Closed Session, and there were no other items of business discussed.

**PUBLIC PRESENT**

Bob DeWitt, ACEC

Alan Escarda, PECG

Scott Bishop, NCEES

DRAFT

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

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**XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

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- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]





#### **XIV. Adjournment**

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Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.