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SB-1451 Professions and vocations. (2023-2024)

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Senate Bill No. 1451

CHAPTER 481

An act to amend Sections 115.4, 115.5, 115.6, 135.4, 1926, 2054, 2837.101, 2837.103, 2837.104, 2837.105, 3765, 4052.04, 4602, 4621, 7423, 8593, 8593.1, 9880.1, and 19237 of, to add Sections 2097.5, 4069, and 9880.5 to, and to repeal Section 1905.2 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1451, Ashby. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs, which is composed of boards that license and regulate various professions. Existing law imposes certain requirements on those boards to expedite licensure processes, waive specified licensing fees, or issue temporary licenses, depending on the criteria that the applicant satisfies. One of those provisions requires, among other things, the applicant to be, or to have been, an active duty member of the Armed Forces of the United States, as specified. Another provision requires that the applicant hold an out-of-state license in that profession or vocation and be married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces, as specified. Under a third provision's criteria, the applicant must have been admitted to the United States as a refugee, have been granted asylum, or have a special immigrant visa, as specified.

This bill would specify that the term "applicant," for purposes of the above-described provisions, refers to an applicant for an individual license and does not refer to applicants for business or entity licenses. The bill would prohibit a board from charging a fee for the issuance of a temporary license for an applicant who holds an out-of-state license in that profession or vocation and who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces, as specified. The bill would make conforming changes.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Existing law requires the dental hygiene board to submit recommendations regarding dental hygiene scope of practice issues to the Dental Board of California for approval, modification, or rejection, and authorizes the dental hygiene board to request the dental board to provide its reasons in writing for rejecting or significantly modifying the recommendation. Existing law authorizes a registered dental hygienist in alternative practice to perform specified duties in dental health professional shortage areas, as certified by the Department of Health Care Access and Information, in accordance with specified guidelines.

This bill would delete the provision requiring the Dental Board of California to approve, modify, or reject, and, if requested by the dental hygiene board, to provide reasons for rejecting or significantly modifying, the above-described recommendations submitted by the dental hygiene board. The bill would authorize a registered dental hygienist in alternative practice with an existing practice in a dental health professional shortage area to continue to provide dental hygiene services if certification by the department is removed and the registered dental hygienist in alternative practice annually provides specified information to certain patients.

(3) Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law sets the expiration for a physician's and surgeon's license at 12 midnight on the last day of the month in which the license was issued during the second year of a two-year term commencing from the date of issuance. Existing law requires a physician and surgeon issued a license on or after January 1, 2022, at the time of initial license renewal, to show evidence that the licensee has received at least 36 months of board-approved postgraduate training. Existing law authorizes the board to grant an additional 60 days to the expiration date of that initial license.

This bill would instead require an initial physician's and surgeon's license issued on or after January 1, 2025, to be for a period of 26 months. The bill would also authorize a physician's and surgeon's certificate issued on or after January 1, 2022, to be renewed for the first time if the board receives evidence that the licensee is enrolled in a California board-approved postgraduate training program at the time the license expires, and would require evidence at the time of their second renewal that the licensee has received credit for at least 36 months of board-approved postgraduate training. The bill would require the relevant postgraduate training program director to report to the board within 30 days if a licensee who renews their license for the first time pursuant to these provisions is disenrolled from their training program, as specified.

Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.

This bill would add the initials "D.O." to the list of prohibited terms under that provision. The bill would also prohibit a person from using the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that the person is a licensed "M.D." or "D.O." By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would also authorize certain persons to use the words "doctor" or "physician," the letters or prefix "Dr.," or the initials "M.D." or "D.O."

(4) Existing law, the Nursing Practice Act, provides for the licensure and certification of nurse practitioners by the Board of Registered Nursing. Existing law requires the Office of Professional Examination Services in the Department of Consumer Affairs, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing specified functions, and requires the board and the office to assess the alignment of competencies tested in the national nurse practitioner certification examination with the occupational analysis.

This bill would make the provision requiring the assessment of the alignment of competencies inapplicable to a national nurse practitioner certification examination discontinued before January 1, 2017.

(5) Existing law establishes the Nurse Practitioner Advisory Committee to advise and give recommendations to the board on matters relating to nurse practitioners. Existing law requires the board, by regulation, to define minimum standards for transition to practice, as defined, and provides that clinical experience may include experience obtained before January 1, 2021, if the experience meets requirements established by the board.

This bill would specify that, for purposes of transition to practice, clinical experience shall not be limited to experience in a single category in which a nurse practitioner may practice, as specified, and would prohibit experience obtained before a person is certified as a nurse practitioner from being considered clinical experience for purposes of transition to practice requirements.

Existing law authorizes a nurse practitioner to perform specified functions without standardized procedures if the nurse practitioner satisfies certain requirements, including having completed a transition to practice in California of 3 full-time equivalent years of practice, or 4,600 hours.

This bill would deem a nurse practitioner who has been practicing as a nurse practitioner in direct patient care for 3 full-time equivalent years or 4,600 hours within the last 5 years, as indicated on the application, to have satisfied this requirement. The bill would require proof of completion of one transition to practice to be provided to the board as an attestation from either a licensed physician and surgeon or a nurse practitioner. The bill would prohibit the board from requiring a nurse practitioner practicing under those provisions to tell a patient that the patient has a right to see a physician and surgeon, and would delete a provision requiring the nurse practitioner to use a certain phrase to inform Spanish language speakers that the nurse practitioner is not a physician and surgeon.

(6) Existing law, the Pharmacy Law, establishes the California State Board of Pharmacy to license and regulate the practice of pharmacy. Existing law authorizes a pharmacist to provide consultation to a patient about, among other things, drug therapy, disease management, and disease prevention. Existing law, until January 1, 2025, authorizes a pharmacist to furnish COVID-19 oral therapeutics, as defined, following a positive test for SARS-CoV-2, the virus that causes COVID-19, in accordance with specified requirements.

This bill would require a pharmacist who dispenses or furnishes a dangerous drug pursuant to a veterinary prescription to include, as part of the consultation, the option for a representative of an animal patient to also receive drug documentation specifically designed for veterinary drugs. The bill would extend the operation of the provisions authorizing a pharmacist to furnish COVID-19 oral therapeutics until January 1, 2026.

(7) Existing law, the Respiratory Care Practice Act, establishes the Respiratory Care Board of California to license and regulate the practice of respiratory care. Existing law authorizes a licensed vocational nurse who is employed by a home health agency to perform respiratory tasks and services identified by the board if, on or before January 1, 2025, the licensed vocational nurse has completed patient-specific training satisfactory to their employer, and, on and after January 1, 2025, the licensed vocational nurse has completed that training in accordance with guidelines promulgated by the Respiratory Care Board of California, in collaboration with the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

This bill would extend those dates to January 1, 2028. The bill, on and after January 1, 2028, would also authorize a licensed vocational nurse to perform respiratory care services identified by the board while practicing in certain settings identified in the bill if the licensed vocational nurse has completed patient-specific training satisfactory to their employer and holds a current and valid certification of competency for each respiratory task to be performed, as specified.

(8) Existing law, the Massage Therapy Act, until January 1, 2027, provides for the voluntary certification of massage therapists by the California Massage Therapy Council, a private nonprofit entity. The council is governed by a board of directors composed of 13 members, of which 10 members are appointed by various organizations and associations, as specified. The appointing entities are not required to exercise the right to appoint. The 10 appointed members, at a duly held board meeting in accordance with the board's bylaws, are required to appoint 3 additional members with specified qualifications. Board member terms are 4 years.

This bill would modify those terms to be for 4 years and until the appointment and qualification of a board member's successor or until one year from the expiration of the term for which the member was appointed, whichever occurs first. A board member who has served 2 terms would not be eligible for reappointment to the board regardless of the appointing authority. The bill would require a board member who, as of January 1, 2025, has served on the board for 8 out of the preceding 10 years, regardless of the appointing authority, to vacate their appointment no later than July 1, 2025. Under the bill, a decision to change the appointing authority of any member appointed to the board would not be effective unless the current member has completed their term under these provisions or the appointment is vacant. The bill would provide that a board member may be removed only by their appointing authority under prescribed conditions.

This bill would move the repeal date of the act to January 1, 2026.

(9) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology to license and regulate barbering and cosmetology, and establishes a hairstylist application and examination fee of \$50 or a fee determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination.

This bill would instead require the hairstylist application and examination fee to be the actual cost to the board for developing, purchasing, grading, and administering the examination, and would establish that an initial licensee fee for a hairstylist shall be not more than \$50.

(10) Existing law establishes the Structural Pest Control Board in the Department of Consumer Affairs to license and regulate structural pest control operators, structural pest control field representatives, and structural pest control applicators. Existing law requires those licensees, as a condition of license renewal, to submit proof to the board that they have informed themselves of the developments in the field of pest control by completing continuing education courses or equivalent activity approved by the board, or taking and completing an examination given by the board, as specified.

This bill would delete the authorization for a licenseholder to take and complete an examination given by the board to satisfy that requirement.

(11) Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs for the registration and regulation of automotive repair dealers. Existing law defines terms for purposes of the act, including defining "automotive repair dealer" to mean a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles, or engages in the business of collecting compensation for automotive repair services that are referred or sublet to someone other than the dealer or their employees. The act further defines "person" to include a firm, partnership, association, limited liability company, or corporation. A violation of the act is a crime.

This bill would require the bureau to license a federally recognized tribe, as defined, that applies for licensure and is otherwise compliant with the act for the purpose of engaging in a business regulated by the act. The bill would expand the term "person" to include a participating tribe and would further define "participating tribe" to mean a federally recognized tribe that formally applies for licensure from the bureau pursuant to the bill. The bill would exempt a participating tribe from any requirement to register with

the Secretary of State, maintain good standing with the Secretary of State, provide a corporate number issued by the Secretary of State, or any other associated requirement.

(12) Existing law, the Household Movers Act, provides for the licensure and regulation of household movers by the Division of Household Movers within the Bureau of Household Goods and Services. The act prohibits a household mover from engaging in the business of specified transportation of used household goods and personal effects by motor vehicle in the state without a permit issued by the bureau. The act also prohibits a household mover from engaging in the business of the interstate transportation of those items into or out of this state without a valid operating authority issued by the Federal Motor Carrier Safety Administration. The act prohibits the issuance of a permit unless the applicant establishes their knowledge and ability to engage in business as a household mover by examination. The act requires a permit applicant to meet certain residence requirements, as specified.

This bill would exempt an applicant whose principal place of business is not in this state from the residency requirements but would require that the applicant file with the bureau a designation of persons upon whom court or agency process may be served in this state made pursuant to specified federal regulations. The bill would exempt an applicant from examination if they only conduct interstate household moves, but would require the applicant to file an affidavit with the bureau stating it shall not conduct any intrastate household moves in this state. The bill would require the bureau to identify household movers that are authorized to conduct intrastate and interstate moves in the state on its internet website.

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

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

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

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

SECTION 1. Section 115.4 of the Business and Professions Code is amended to read:

115.4. (a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code.

(c) A board may adopt regulations necessary to administer this section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) For purposes of this section, the term "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.

SEC. 2. Section 115.5 of the Business and Professions Code is amended to read:

115.5. (a) A board within the department shall expedite the licensure process and waive the licensure application fee and the initial or original license fee charged by the board for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.

(b) A board may adopt regulations necessary to administer this section.

(c) For purposes of this section, the term "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.

SEC. 3. Section 115.6 of the Business and Professions Code is amended to read:

115.6. (a) (1) Except as provided in subdivision (j), a board within the department shall, after appropriate investigation, issue a temporary license to practice a profession or vocation to an applicant who meets the requirements set forth in subdivisions (c) and (d).

(2) Revenues from fees for temporary licenses issued by the California Board of Accountancy shall be credited to the Accountancy Fund in accordance with Section 5132.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation within the same scope for which the applicant seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) (A) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(B) The board shall request a fingerprint-based criminal history information check from the Department of Justice in accordance with subdivision (u) of Section 11105 of the Penal Code and the Department of Justice shall furnish state or federal criminal history information in accordance with subdivision (p) of Section 11105 of the Penal Code.

(d) The applicant shall pass a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.

(e) Except as specified in subdivision (g), a board shall issue a temporary license pursuant to this section within 30 days of receiving documentation that the applicant has met the requirements specified in subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(f) (1) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or (d) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(2) Notwithstanding any other law, if, after notice and an opportunity to be heard, a board finds that a temporary licenseholder engaged in unprofessional conduct or any other act that is a cause for discipline by the board, the board shall revoke the temporary license.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The board shall issue a temporary license pursuant to this subdivision within 30 days of receiving documentation that the applicant has met the requirements specified in this subdivision and subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(h) A temporary license issued pursuant to this section is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license pursuant to Section 115.5, whichever occurs first.

(i) A board shall submit to the department for approval, if necessary to implement this section, draft regulations necessary to administer this section. These regulations shall be adopted pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(j) (1) This section shall not apply to a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those described in subdivisions (c) and (d).

(2) This section shall apply only to the extent that it does not amend an initiative or violate constitutional requirements.

(k) An applicant for a temporary license pursuant to this section shall not be required to provide, and no board shall collect, a fee for the application or issuance of a temporary license.

(l) For purposes of this section, the term "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.

SEC. 4. Section 135.4 of the Business and Professions Code is amended to read:

135.4. (a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

(d) For purposes of this section, "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.

SEC. 5. Section 1905.2 of the Business and Professions Code is repealed.

SEC. 6. Section 1926 of the Business and Professions Code is amended to read:

1926. In addition to practices authorized in Section 1925, a registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910 in the following settings:

(a) Residences of the homebound.

(b) Schools.

(c) Residential facilities and other institutions and medical settings that a residential facility patient has been transferred to for outpatient services.

(d) Dental health professional shortage areas, as certified by the Department of Health Care Access and Information in accordance with existing office guidelines. If the dental health professional shortage area certification is removed, a registered dental hygienist in alternative practice with an existing practice in the area may continue to provide dental hygiene services, and shall annually provide patients treated at an existing practice with a list of dentists in the previous dental health professional shortage area who may be able to see the patient for comprehensive services.

(e) Dental offices.

SEC. 7. Section 2054 of the Business and Professions Code is amended to read:

2054. (a) Any person who uses in any sign, business card, or letterhead, or, in an advertisement, the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that the person is entitled to practice hereunder, or who represents or holds themselves out as a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor. No person shall use the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that person is a licensed "M.D." or "D.O."

(b) Notwithstanding subdivision (a), any of the following persons may use the words "doctor" or "physician," the letters or prefix "Dr.," or the initials "M.D." or "D.O.":

(1) A graduate of a medical or an osteopathic medical school approved or recognized by the medical or osteopathic medical board while enrolled in a postgraduate training program approved by the board.

(2) A graduate of a medical or an osteopathic medical school who does not have a certificate as a physician and surgeon under this chapter if the individual meets all of the following requirements:

(A) If issued a license to practice medicine in any jurisdiction, has not had that license revoked or suspended by that jurisdiction.

(B) Does not otherwise hold themselves out as a physician and surgeon entitled to practice medicine in this state except to the extent authorized by this chapter.

(C) Does not engage in any of the acts prohibited by Section 2060.

(3) A person authorized to practice medicine under Section 2111 or 2113 subject to the limitations set forth in those sections.

(4) A person holding a current and active license under this division or any initiative act referred to in this division, to the extent the use of the title is consistent with the act governing the practice of that license.

(5) A person whose use of the word "doctor" or the prefix "Dr." is not associated with any claim of entitlement to practice medicine or any other professional service for which the use of the title would be untrue or misleading pursuant to Section 17500.

SEC. 8. Section 2097.5 is added to the Business and Professions Code, to read:

2097.5. (a) (1) Notwithstanding Section 2097, a physician's and surgeon's license may be renewed for the first time if the board receives evidence satisfactory to the board that the licensee is enrolled in a California board-approved postgraduate training program at the time the license expires.

(2) The relevant postgraduate training program director shall report to the board within 30 days, on a form approved by the board, if a licensee who renews their license pursuant to this subdivision is disenrolled from their training program for any reason, including, but not limited to, resignation, termination, or graduation.

(b) If a physician's and surgeon's license is initially renewed pursuant to subdivision (a), then, at the time of their second renewal, in addition to any other requirements, the board shall require evidence satisfactory to the board that the licensee has received credit for at least 36 months of board-approved postgraduate training, pursuant to the attestation of the program director, designated institutional official, or delegated authority for the approved postgraduate training program where the applicant participated. A licensee who fails to meet the requirements of this subdivision shall be automatically placed in delinquent status by the board.

(c) If a physician's and surgeon's license is initially renewed pursuant to subdivision (a) and the licensee is disenrolled from the relevant California board-approved postgraduate training program, the board may place the relevant license in delinquent status if the board does not receive evidence satisfactory to the board that the licensee has received credit for at least 36 months of board-approved postgraduate training. If placed on delinquent status, that license shall be returned to current status upon the board receiving evidence satisfactory to the board that the licensee is enrolled in a California board-approved postgraduate training program or has received credit for at least 36 months of board-approved postgraduate training before their license changes to canceled status, pursuant to Section 2428. Any license status change made pursuant to this subdivision shall not relieve the licensee of the license renewal requirements of subdivision (b).

(d) (1) Notwithstanding any other law, the board shall issue an initial physician's and surgeon's license for a period of 26 months.

(2) A renewed physician's and surgeon's license shall be subject to the requirements of Section 2423.

(e) Upon review of supporting documentation, the board, in its discretion, may renew a physician's and surgeon's license for an applicant who has demonstrated substantial compliance with this section.

(f) A physician whose license is canceled or who surrenders their license prior to meeting the renewal requirements of either subdivision (b) or (c) is subject to the reinstatement requirements of subdivision (e) of Section 2097.

(g) (1) Except as provided in paragraph (2), this section only applies to individuals who are issued an initial physician's and surgeon's license by the board on or after January 1, 2022.

(2) Paragraph (1) of subdivision (d) only applies to individuals who are issued an initial license on or after January 1, 2025.

(h) This section shall not apply to the Osteopathic Medical Board of California.

SEC. 9. Section 2837.101 of the Business and Professions Code is amended to read:

2837.101. For purposes of this article, the following terms have the following meanings:

(a) "Committee" means the Nurse Practitioner Advisory Committee.

(b) "Standardized procedures" has the same meaning as that term is defined in Section 2725.

(c) "Transition to practice" means additional clinical experience and mentorship provided to prepare a nurse practitioner to practice independently. "Transition to practice" includes, but is not limited to, managing a panel of patients, working in a complex health care setting, interpersonal communication, interpersonal collaboration and team-based care, professionalism, and business management of a practice. The board shall, by regulation, define minimum standards for transition to practice. For purposes of the transition to practice:

(1) Clinical experience shall not be limited to experience in a single category that a nurse practitioner may practice in pursuant to Section 2836.

(2) Clinical experience may include experience obtained before January 1, 2021, but clinical experience obtained before a person is certified by the board as a nurse practitioner shall not be included.

SEC. 10. Section 2837.103 of the Business and Professions Code is amended to read:

2837.103. (a) (1) Notwithstanding any other law, a nurse practitioner may perform the functions specified in subdivision (c) pursuant to that subdivision, in a setting or organization specified in paragraph (2) pursuant to that paragraph, if the nurse practitioner has successfully satisfied the following requirements:

(A) Passed a national nurse practitioner board certification examination and, if applicable, any supplemental examination developed pursuant to paragraph (4) of subdivision (a) of Section 2837.105.

(B) Holds a certification as a nurse practitioner from a national certifying body accredited by the National Commission for Certifying Agencies or the American Board of Nursing Specialties and recognized by the board.

(C) Provides documentation that educational training was consistent with standards established by the board pursuant to Section 2836 and any applicable regulations as they specifically relate to requirements for clinical practice hours. Online educational programs that do not include mandatory clinical hours shall not meet this requirement.

(D) Has completed a transition to practice in California of a minimum of three full-time equivalent years of practice or 4600 hours. A nurse practitioner who has been practicing as a nurse practitioner in direct patient care for a minimum of three full-time equivalent years or 4,600 hours within the last five years, as indicated on the application, may be deemed to have satisfied this requirement. For purposes of this subparagraph:

(i) Proof of completion of one transition to practice shall be provided to the board, on a form prescribed by the board, as an attestation from either a licensed physician and surgeon, a certified nurse practitioner practicing pursuant to this section, or a certified nurse practitioner practicing pursuant to Section 2837.104.

(ii) A licensed physician and surgeon or a certified nurse practitioner who attests to the completion of a transition to practice is not required to specialize in the same category as the applicant pursuant to Section 2836.

(iii) A licensed physician and surgeon or a certified nurse practitioner practicing pursuant to this section or Section 2837.104 who attests to the completion of a transition to practice is not required to verify competence, clinical expertise, or any other standards related to the practice of the applicant and shall only attest to the completion of the transition to practice, as defined in Section 2837.101.

(iv) A licensed physician and surgeon or a certified nurse practitioner practicing pursuant to this section or Section 2837.104 who attests to the completion of a transition to practice shall not be subject to civil, criminal, administrative, disciplinary, employment, credentialing, professional discipline, contractual liability, or medical staff action, sanction, or penalty or other liability for providing an attestation or refusing to provide an attestation pursuant to this section unless the attestation was produced fraudulently.

(2) A nurse practitioner who meets all of the requirements of paragraph (1) may practice, including, but not limited to, performing the functions authorized pursuant to subdivision (c), in one of the following settings or organizations in which one or more physicians and surgeons practice with the nurse practitioner without standardized procedures:

(A) A clinic, as defined in Section 1200 of the Health and Safety Code.

(B) A health facility, as defined in Section 1250 of the Health and Safety Code, except for the following:

(i) A correctional treatment center, as defined in paragraph (1) of subdivision (j) of Section 1250 of the Health and Safety Code.

(ii) A state hospital, as defined in Section 4100 of the Welfare and Institutions Code.

(C) A facility described in Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code.

(D) A medical group practice, including a professional medical corporation, as defined in Section 2406, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.

(E) A home health agency, as defined in Section 1727 of the Health and Safety Code.

(F) A hospice facility licensed pursuant to Chapter 8.5 (commencing with Section 1745) of Division 2 of the Health and Safety Code.

(3) In health care agencies that have governing bodies, as defined in Division 5 of Title 22 of the California Code of Regulations, including, but not limited to, Sections 70701 and 70703 of Title 22 of the California Code of Regulations, the following apply:

(A) A nurse practitioner shall adhere to all applicable bylaws.

(B) A nurse practitioner shall be eligible to serve on medical staff and hospital committees.

(C) A nurse practitioner shall be eligible to attend meetings of the department to which the nurse practitioner is assigned. A nurse practitioner shall not vote at department, division, or other meetings unless the vote is regarding the determination of nurse practitioner privileges with the organization, peer review of nurse practitioner clinical practice, whether a licensee's employment is in the best interest of the communities served by a hospital pursuant to Section 2401, or the vote is otherwise allowed by the applicable bylaws.

(b) An entity described in subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) shall not interfere with, control, or otherwise direct the professional judgment of a nurse practitioner functioning pursuant to this section in a manner prohibited by Section 2400 or any other law.

(c) In addition to any other practices authorized by law, a nurse practitioner who meets the requirements of paragraph (1) of subdivision (a) may perform the following functions without standardized procedures in accordance with their education and training:

(1) Conduct an advanced assessment.

(2) (A) Order, perform, and interpret diagnostic procedures.

(B) For radiologic procedures, a nurse practitioner can order diagnostic procedures and utilize the findings or results in treating the patient. A nurse practitioner may perform or interpret clinical laboratory procedures that they are permitted to perform under Section 1206 and under the federal Clinical Laboratory Improvement Act (CLIA).

(3) Establish primary and differential diagnoses.

(4) Prescribe, order, administer, dispense, procure, and furnish therapeutic measures, including, but not limited to, the following:

(A) Diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources.

(B) Prescribe, administer, dispense, and furnish pharmacological agents, including over-the-counter, legend, and controlled substances.

(C) Plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including, but not limited to, durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services, including, but not limited to, home health care, hospice, and physical and occupational therapy.

(5) After performing a physical examination, certify disability pursuant to Section 2708 of the Unemployment Insurance Code.

(6) Delegate tasks to a medical assistant pursuant to Sections 1206.5, 2069, 2070, and 2071, and Article 2 (commencing with Section 1366) of Chapter 3 of Division 13 of Title 16 of the California Code of Regulations.

(d) A nurse practitioner practicing under this section and not working under standardized procedures shall inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon.

(e) A nurse practitioner shall not be required to tell a patient the patient has a right to see a physician and surgeon.

(f) A nurse practitioner practicing under this section and not working under standardized procedures shall post a notice in a conspicuous location accessible to public view that the nurse practitioner is regulated by the Board of Registered Nursing. The notice shall include the board's telephone number and the internet website where the nurse practitioner's license may be checked and complaints against the nurse practitioner may be made.

(g) A nurse practitioner shall refer a patient to a physician and surgeon or other licensed health care provider if a situation or condition of a patient is beyond the scope of the education and training of the nurse practitioner.

(h) A nurse practitioner practicing under this section shall have professional liability insurance appropriate for the practice setting.

(i) Any health care setting operated by the Department of Corrections and Rehabilitation is exempt from this section.

SEC. 11. Section 2837.104 of the Business and Professions Code is amended to read:

2837.104. (a) Beginning January 1, 2023, notwithstanding any other law, the following apply to a nurse practitioner who holds an active certification issued by the board pursuant to subdivision (b):

(1) The nurse practitioner may perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings or organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103.

(2) Subject to subdivision (g) and any applicable conflict of interest policies of the bylaws, the nurse practitioner shall be eligible for membership of an organized medical staff.

(3) Subject to subdivision (g) and any applicable conflict of interest policies of the bylaws, a nurse practitioner member may vote at meetings of the department to which nurse practitioners are assigned.

(b) The board shall issue a certificate to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings and organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103, if the nurse practitioner satisfies all of the following requirements:

(1) Meets all of the requirements specified in paragraph (1) of subdivision (a) of Section 2837.103.

(2) Holds a valid and active license as a registered nurse in California and a master's degree in nursing or in a clinical field related to nursing or a doctoral degree in nursing.

(3) Has practiced as a nurse practitioner in good standing for at least three years, not inclusive of the transition to practice required pursuant to subparagraph (D) of paragraph (1) of subdivision (a) of Section 2837.103. The board may, at its discretion, lower this requirement for a nurse practitioner holding a Doctorate of Nursing Practice degree (DNP) based on practice experience gained in the course of doctoral education experience.

(c) A nurse practitioner authorized to practice pursuant to this section shall comply with all of the following:

(1) The nurse practitioner, consistent with applicable standards of care, shall not practice beyond the scope of their clinical and professional education and training, including specific areas of concentration and shall only practice within the limits of their

knowledge and experience and national certification.

(2) The nurse practitioner shall consult and collaborate with other healing arts providers based on the clinical condition of the patient to whom health care is provided. Physician consultation shall be obtained as specified in the individual protocols and under the following circumstances:

- (A) Emergent conditions requiring prompt medical intervention after initial stabilizing care has been started.
- (B) Problem which is not resolving as anticipated after an ongoing evaluation and management of the situation.
- (C) History, physical, or lab findings inconsistent with the clinical perspective.
- (D) Upon request of patient.

(3) Nurse practitioner consultation with a physician and surgeon alone shall not create a physician-patient relationship. The nurse practitioner shall be solely responsible for the services they provide.

(4) The nurse practitioner shall establish a plan for referral of complex medical cases and emergencies to a physician and surgeon or other appropriate healing arts providers. The nurse practitioner shall have an identified referral plan specific to the practice area, that includes specific referral criteria. The referral plan shall address the following:

- (A) Whenever situations arise which go beyond the competence, scope of practice, or experience of the nurse practitioner.
- (B) Whenever patient conditions fail to respond or the patient is acutely decompensating in a manner that is not consistent with the progression of the disease and corresponding treatment plan.
- (C) Any patient with a rare condition.
- (D) Any patient conditions that do not fit the commonly accepted diagnostic pattern for a disease or disorder.
- (E) All emergency situations after initial stabilizing care has been started.

(d) A nurse practitioner practicing under this section and not working under standardized procedures shall inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon.

(e) A nurse practitioner practicing under this section and not working under standardized procedures shall not be required by the board to tell a patient that the patient has a right to see a physician and surgeon.

(f) A nurse practitioner practicing under this section and not working under standardized procedures shall post a notice in a conspicuous location accessible to public view that the nurse practitioner is regulated by the Board of Registered Nursing. The notice shall include the board's telephone number and internet website where the nurse practitioner's license may be checked and complaints against the nurse practitioner may be made.

(g) A nurse practitioner practicing pursuant to this section shall maintain professional liability insurance appropriate for the practice setting.

(h) For purposes of this section, corporations and other artificial legal entities shall have no professional rights, privileges, or powers.

(i) Subdivision (h) shall not apply to a nurse practitioner if either of the following applies:

- (1) The certificate issued pursuant to this section is inactive, surrendered, revoked, or otherwise restricted by the board.

- (2) The nurse practitioner is employed pursuant to the exemptions under Section 2401.

SEC. 12. Section 2837.105 of the Business and Professions Code is amended to read:

2837.105. (a) (1) The board shall request the department's Office of Professional Examination Services, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision.

(2) The board, together with the Office of Professional Examination Services, shall assess the alignment of the competencies tested in the national nurse practitioner certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103 with the occupational analysis performed according to paragraph (1). This paragraph shall not apply to a national nurse practitioner certification examination discontinued before January 1, 2017.

(3) The occupational analysis shall be completed by January 1, 2023.

(4) If the assessment performed according to paragraph (2) identifies additional competencies necessary to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision that are not sufficiently validated by the national nurse practitioner board certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103, the board shall identify and develop a supplemental exam that properly validates identified competencies.

(b) The examination process shall be regularly reviewed pursuant to Section 139.

SEC. 13. Section 3765 of the Business and Professions Code is amended to read:

3765. This act does not prohibit any of the following activities:

(a) The performance of respiratory care that is an integral part of the program of study by students enrolled in approved respiratory therapy training programs.

(b) Self-care by the patient or the gratuitous care by a friend or member of the family who does not represent or hold themselves out to be a respiratory care practitioner licensed under the provisions of this chapter.

(c) The respiratory care practitioner from performing advances in the art and techniques of respiratory care learned through formal or specialized training.

(d) The performance of respiratory care in an emergency situation by paramedical personnel who have been formally trained in these modalities and are duly licensed under the provisions of an act pertaining to their specialty.

(e) Temporary performance, by other health care personnel, students, or groups, of respiratory care services, as identified and authorized by the board, in the event of an epidemic, pandemic, public disaster, or emergency.

(f) Persons from engaging in cardiopulmonary research.

(g) Formally trained licensees and staff of child day care facilities from administering to a child inhaled medication as defined in Section 1596.798 of the Health and Safety Code.

(h) The performance by a person employed by a home medical device retail facility or by a home health agency licensed by the State Department of Public Health of specific, limited, and basic respiratory care or respiratory care-related services that have been authorized by the board.

(i) The performance, by a vocational nurse licensed by the Board of Vocational Nursing and Psychiatric Technicians of the State of California who is employed by a home health agency licensed by the State Department of Public Health, of respiratory tasks and services identified by the board, if the licensed vocational nurse complies with the following:

(1) Before January 1, 2028, the licensed vocational nurse has completed patient-specific training satisfactory to their employer.

(2) On or after January 1, 2028, the licensed vocational nurse has completed patient-specific training by the employer in accordance with guidelines that shall be promulgated by the board no later than January 1, 2028, in collaboration with the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(j) The performance of respiratory care services identified by the board by a licensed vocational nurse who satisfies the requirements in paragraph (1) in the settings listed in paragraph (2).

(1) (A) The licensed vocational nurse is licensed pursuant to Chapter 6.5 (commencing with Section 2840).

(B) The licensed vocational nurse has completed patient-specific training satisfactory to their employer.

(C) The licensed vocational nurse holds a current and valid certification of competency for each respiratory task to be performed from the California Association of Medical Product Suppliers, the California Society for Respiratory Care, or another organization identified by the board.

(2) A licensed vocational nurse may perform the respiratory care services identified by the board pursuant to this subdivision in the following settings:

(A) At a congregate living health facility licensed by the State Department of Public Health that is designated as six beds or fewer.

(B) At an intermediate care facility licensed by the State Department of Public Health that is designated as six beds or fewer.

(C) At an adult day health care center licensed by the State Department of Public Health.

(D) As an employee of a home health agency licensed by the State Department of Public Health or an individual nurse provider working in a residential home.

(E) At a pediatric day health and respite care facility licensed by the State Department of Public Health.

(F) At a small family home licensed by the State Department of Social Services that is designated as six beds or fewer.

(G) As a private duty nurse as part of daily transportation and activities outside a patient's residence or family respite for home- and community-based patients.

(3) This subdivision is operative on January 1, 2028.

(k) The performance of pulmonary function testing by persons who are currently employed by Los Angeles County hospitals and have performed pulmonary function testing for at least 15 years.

SEC. 14. Section 4052.04 of the Business and Professions Code is amended to read:

4052.04. (a) In addition to the authority provided in Section 4052, a pharmacist may furnish COVID-19 oral therapeutics following a positive test for SARS-CoV-2, the virus that causes COVID-19.

(b) Prior to furnishing COVID-19 oral therapeutics pursuant to subdivision (a), a pharmacist shall utilize relevant and appropriate evidence-based clinical guidelines published by the federal Food and Drug Administration in providing these patient care services.

(c) A pharmacist who furnishes COVID-19 oral therapeutics shall notify the patient's primary care provider, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by that primary care provider. If the patient does not have a primary care provider, the pharmacist shall provide the patient with a written record of the drugs furnished and advise the patient to consult a physician of the patient's choice.

(d) A pharmacist shall document, to the extent possible, the kind and amounts of COVID-19 oral therapeutics furnished pursuant to subdivision (a), as well as information regarding any testing services provided, in the patient's record in the record system maintained by the pharmacy. The records shall be maintained for three years and shall be available for inspection by all properly authorized personnel of the board.

(e) For purposes of this section, "COVID-19 oral therapeutics" means drugs that are approved or authorized by the United States Food and Drug Administration for the treatment of COVID-19 and administered orally.

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

SEC. 15. Section 4069 is added to the Business and Professions Code, to read:

4069. A pharmacist who dispenses or furnishes a dangerous drug, as defined in Section 4022, pursuant to a veterinary prescription shall include, as part of the consultation, the option for a representative of an animal patient to also receive drug documentation specifically designed for veterinary drugs.

SEC. 16. Section 4602 of the Business and Professions Code is amended to read:

4602. (a) The California Massage Therapy Council, as defined in subdivision (d) of Section 4601, is hereby established and shall carry out the responsibilities and duties set forth in this chapter.

(b) The council may take any reasonable actions necessary to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement this chapter.

(c) The council may require background checks for all employees, contractors, volunteers, and board members as a condition of their employment, formation of a contractual relationship, or participation in council activities.

(d) The council shall issue a certificate to an individual applicant who satisfies the requirements of this chapter for that certificate.

(e) The council is authorized to determine whether the information provided to the council in relation to the certification of an applicant is true and correct and meets the requirements of this chapter. If the council has any reason to question whether the information provided is true or correct, or meets the requirements of this chapter, the council is authorized to make any investigation it deems necessary to establish that the information received is accurate and satisfies any criteria established by this chapter. The applicant has the burden to prove that they are entitled to certification.

(f) The council shall be governed by a board of directors composed of 13 members who shall be chosen in the following manner:

(1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.

(2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.

(3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.

(4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.

(5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.

(6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.

(7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.

(8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.

(9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.

(10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is composed of massage therapist professionals, and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.

(B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the board in accordance with paragraphs (1) to (10), inclusive, shall appoint three additional members, at a duly held board meeting in accordance with the board's bylaws. One of those appointees shall be an attorney licensed by the State Bar of California who has been practicing law for at least three years and who at the time of appointment represents a city, county, or a city and county in the state. One of those appointees shall represent a massage business entity that has been operating in the state for at least three years. The council shall establish in its bylaws a process for appointing an additional member, provided that the member has knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

(g) Any decision to change the appointing authority of any member appointed to the board pursuant to paragraphs (1) to (10), inclusive, of subdivision (f) shall not be effective unless the current member has completed their term under subdivision (h) or the appointment is vacant.

(h) (1) Board member terms shall be for four years and until the appointment and qualification of their successor or until one year from the expiration of the term for which the member was appointed, whichever occurs first. A board member who has served two terms shall not be eligible for reappointment to the board regardless of the appointing authority. Any board member who, as of January 1, 2025, has served on the board for 8 out of the preceding 10 years, regardless of the appointing authority, shall vacate their appointment no later than July 1, 2025.

(2) A board member may be removed only by their appointing authority under the conditions provided in Section 106.

(i) The board of directors shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees for certificates shall be in an amount sufficient to support the functions of the council in the administration of this chapter, but in no event shall exceed three hundred dollars (\$300). The renewal fee shall be reassessed biennially by the board.

(j) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act.

(k) Prior to holding a meeting to vote upon a proposal to increase the certification fees, the board shall provide at least 90 days' notice of the meeting, including posting a notice on the council's internet website unless at least two-thirds of the board members concur that there is an active threat to public safety and that voting at a meeting without prior notice is necessary. However, the board shall not waive the requirements of subdivision (i).

(l) If the board approves an increase in the certification fees, the council shall update all relevant areas of its internet website and notify all certificate holders and affected applicants by email within 14 days of the board's action.

(m) The council shall assess its contact with non-English speakers. Based on this assessment, the council shall offer and make available all publicly available written and electronic materials provided to certificate holders and applicants in languages other than English that the council determines will be used by a substantial number of non-English speakers who are in contact with the council. This subdivision shall not apply to examinations, denial and disciplinary legal documents, and email communications. The council shall provide a report to the Legislature on the findings of its assessment of contact with non-English speakers on or before January 1, 2019.

SEC. 17. Section 4621 of the Business and Professions Code is amended to read:

4621. (a) This chapter shall remain in effect only until January 1, 2026, and as of that date is repealed.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

SEC. 18. Section 7423 of the Business and Professions Code is amended to read:

7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) (1) Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A cosmetologist initial license fee shall not be more than fifty dollars (\$50).

(b) (1) An esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An esthetician initial license fee shall not be more than forty dollars (\$40).

(c) (1) A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A manicurist initial license fee shall not be more than thirty-five dollars (\$35).

(d) (1) A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A barber initial license fee shall be not more than fifty dollars (\$50).

(e) (1) An electrologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An electrologist initial license fee shall be not more than fifty dollars (\$50).

(f) An apprentice application and license fee shall be not more than twenty-five dollars (\$25).

(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars (\$50).

(h) A hairstylist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(i) A hairstylist's initial license fee shall be no more than fifty dollars (\$50).

(j) Notwithstanding Section 163.5 the license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal.

SEC. 19. Section 8593 of the Business and Professions Code is amended to read:

8593. (a) The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that they have informed themselves of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board.

(b) The board shall develop a correspondence course or courses with any educational institution or institutions as it deems appropriate. This course may be used to fulfill the requirements of this section. The institution may charge a reasonable fee for each course.

SEC. 20. Section 8593.1 of the Business and Professions Code is amended to read:

8593.1. The board shall require as a condition to the renewal of each applicator's license that the holder thereof submit proof satisfactory to the board that they have completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board.

SEC. 21. Section 9880.1 of the Business and Professions Code is amended to read:

9880.1. The following definitions apply for the purposes of this chapter:

(a) "Automotive repair dealer" means a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles, or engages in the business of collecting compensation for automotive repair services that are referred or sublet to someone other than the dealer or their employees.

(b) "Automotive technician" means an employee of an automotive repair dealer or that dealer, if the employer or dealer repairs motor vehicles and who, for salary or wage, performs repairs of motor vehicles as set forth in subdivision (k).

(c) "Bureau" means the Bureau of Automotive Repair.

(d) "Chief" means the Chief of the Bureau of Automotive Repair.

(e) "Commercial business agreement" means an agreement, whether in writing or oral, entered into between a business or commercial enterprise and an automotive repair dealer, prior to the repair that is requested to be made, that contemplates a continuing business arrangement under which the automotive repair dealer is to repair any motor vehicle covered by the agreement, but does not mean any warranty or extended service agreement normally given by an automotive repair facility to its customers.

(f) "Customer" means the person presenting a motor vehicle for repair and authorizing the repairs to that motor vehicle. "Customer" shall not mean the automotive repair dealer providing the repair services or an insurer involved in a claim that includes the motor vehicle being repaired or an employee or agent or a person acting on behalf of the dealer or insurer.

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

(h) "Motor vehicle" means a passenger vehicle required to be registered with the Department of Motor Vehicles and all motorcycles whether or not required to be registered by the Department of Motor Vehicles.

(i) "Person" includes a firm, partnership, association, limited liability company, participating tribe, or corporation.

(j) "Preventative maintenance services" means the following maintenance services: checking tire pressure and adding or relieving pressure, as necessary; rotating tires; changing transmission fluid, transmission filter, engine oil and filter, differential fluid, power steering fluid, and transfer case fluid; changing engine or cabin air filters, and external fuel filters; changing engine coolant; performing a fuel system induction service; replacing belts and windshield wiper blades; replacing light bulbs and restoring headlamps; adding oil or fuel treatments through the designated fill points; and topping off fluids; and all of the listed services include the removal, reinstallation, and replacement of any components necessary to perform each service, and the tapping of damaged threads without removal of any fluid pan.

(k) "Repair of motor vehicles" means all maintenance of and repairs to motor vehicles performed by an automotive repair dealer, including automotive body repair work, but excluding those repairs made pursuant to a commercial business agreement and roadside services.

(l) "Roadside services" means the services performed upon a motor vehicle for the purpose of transporting the vehicle or to permit it to be operated under its own power, by, or on behalf of, a motor club holding a certificate of authority pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code, or by an operator of a tow truck, as defined in Section 615 of the Vehicle Code, that is owned or operated by a person or entity who possesses a valid motor carrier permit, as described in Section 34620 of the Vehicle Code, and is enrolled in the Basic Inspection of Terminals program, as described in Section 34501.12 of the Vehicle Code.

SEC. 22. Section 9880.5 is added to the Business and Professions Code, to read:

9880.5. (a) As used in this chapter, the following definitions apply:

(1) "Federally recognized tribe" means a tribe located in this state and included on the list published in the Federal Register pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) and includes an entity controlled by and established for the benefit of one or more tribes.

(2) "Participating tribe" means a federally recognized tribe that formally applies for licensure from the bureau pursuant to subdivision (b).

(b) The bureau shall license a federally recognized tribe that applies for licensure and is otherwise compliant with this chapter for the purpose of engaging in a business regulated by this chapter.

(c) Nothing in this chapter is intended to infringe upon or diminish the existing rights, privileges, and immunities of federally recognized tribes as set forth in federal, state, or tribal law, or the jurisdiction of those participating tribes.

(d) Nothing in this chapter, whether express or implied, shall confer upon the bureau or director any rights or authority to regulate any activity within the jurisdiction of a participating tribe.

(e) Any requirement to register with the Secretary of State, maintain good standing with the Secretary of State, provide a corporate number issued by the Secretary of State, or any other associated requirement shall not apply to a participating tribe.

SEC. 23. Section 19237 of the Business and Professions Code is amended to read:

19237. (a) A household mover shall not engage, or attempt to engage, in the business of the transportation of used household goods and personal effects by motor vehicle over any public highway in this state, including by any means or media, advertising, soliciting, offering, arranging as a broker, or entering into an agreement regarding the transportation of used household goods and personal effects, unless both of the following are satisfied:

(1) For transportation of household goods and personal effects within this state, there is in force a permit issued by the bureau authorizing those operations. Permits issued by the Public Utilities Commission pursuant to the former Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code, that are valid and effective on the operative date of this chapter, shall remain in effect, subject to this chapter, for a period of not more than two years after the operative date of this chapter, or until the time the bureau issues, reissues, renews, suspends, revokes, or otherwise alters or amends the permit, whichever occurs earlier.

(2) (A) For transportation of household goods and personal effects from this state to another state or from another state to this state, there is in force a valid operating authority issued by the Federal Motor Carrier Safety Administration.

(B) An applicant whose principal place of business is not in this state shall not be required to meet the residency requirements pursuant to Section 19239 and shall file with the bureau its designation of persons upon whom court or agency process may be served in this state that the household mover made pursuant to Part 366 of Title 49 of the Code of Federal Regulations.

(C) If the applicant only conducts interstate household moves, the applicant shall not be required to take the examination pursuant to Section 19239 and shall file an affidavit with the bureau stating it shall not conduct any intrastate household moves in this state.

(b) A household mover that engages, or attempts to engage, in the business of the transportation of used household goods and personal effects in violation of subdivision (a) shall not enforce any security interest or bring or maintain any action in law or equity to recover any money or property or obtain any other relief from any consignor, consignee, or owner of household goods or personal effects in connection with an agreement to transport, or the transportation of, household goods and personal effects or

any related services. A person who utilizes the services of a household mover operating in violation of subdivision (a) may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to that household mover.

(c) The operation of a motor vehicle used in the business of transporting household goods and personal effects by a household mover that does not possess a valid permit or operating authority, as required by subdivision (a), constitutes a public nuisance. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove any motor vehicle located within the territorial limits in which the officer may act, when the vehicle is found upon a highway and is being used in a manner constituting a public nuisance. At the request of the bureau, the Attorney General, or a district attorney, city attorney, or county counsel, the law enforcement agency may impound the vehicle for a period not to exceed 72 hours to enable the requesting agency to abate the public nuisance, to obtain an order from the superior court of the county in which the vehicle has been impounded to prevent the use of the motor vehicle in violation of law, and to obtain any other remedy available under law as permitted by Section 19282.

(d) Any person having possession or control of used household goods or personal effects, who knows, or through the exercise of reasonable care should know, that a household mover transported those household goods or personal effects in violation of subdivision (a), shall release the household goods and personal effects to the consignor or consignee, as defined in Section 19245, upon the request of the consignor or consignee. If that person fails to release the household goods and personal effects, any peace officer, as defined in subdivision (c), may take custody of the household goods and personal effects and release them to the consignor or consignee.

(e) The bureau shall identify household movers that are authorized to conduct intrastate and interstate moves in the state on its internet website.

SEC. 24. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.