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Assembly  
California Legislature  
Committee on Rules

RICHARD S. GORDON  
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PATTY LOPEZ (D-ALT.)  
JAY OBERNOLTE (R-ALT.)

Monday, April 27, 2015  
11:50 AM  
State Capitol, Room 3162

CONSENT AGENDA

**Bill Referrals**

1. Consent Bill Referrals

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**Resolutions**

2. ACR 40 (Calderon) Relative to California Museum Month.

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3. ACR 47 (Chau) Relative to 529 College Savings Day.

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**Requests to Add Urgency Clause**

4. AB 178 (Bonilla) Relative to Board of Vocational Nursing and Psychiatric Technicians of the State.....

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5. AB 684 (Bonilla) Relative to Healing arts: licensees: disciplinary actions.

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REFERRAL OF BILLS TO COMMITTEE

04/27/2015

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

[ACR 38](#)

[ACR 56](#)

[ACR 57](#)

[ACR 58](#)

[HR 17](#)

[HR 18](#)

[HR 19](#)

[SB 35](#)

[SB 125](#)

Committee:

AGING & L.T.C.

G.O.

RLS.

TRANS.

HIGHER ED.

RLS.

RLS.

REV. & TAX.

HEALTH



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# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 4/24/15  
**Re:** Consent Bill Referrals

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Since you received the preliminary list of bill referrals, there have been no changes.

**Assembly Concurrent Resolution**

**No. 40**

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**Introduced by Assembly Member Calderon**

March 3, 2015

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Assembly Concurrent Resolution No. 40—Relative to California Museum Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 40, as introduced, Calderon. California Museum Month.

This measure would recognize the essential role that museums have in the State of California as educational institutions and would proclaim May 2015 as California Museum Month.

Fiscal committee: no.

1 WHEREAS, California is home to over 1,400 museums that are  
2 located in every county and region throughout the state and serve  
3 millions of visitors annually; and

4 WHEREAS, California museums represent a multitude of  
5 learning experiences, including art museums, zoos, aquaria,  
6 historical societies, science centers, botanical gardens, children's  
7 museums, and cultural centers; and

8 WHEREAS, California museums help the state meet its  
9 obligations in the field of education by serving over 2 million  
10 schoolchildren in kindergarten and grades 1 to 12, inclusive, and  
11 over one million college and university students per year through  
12 field trips and outreach programs; and

13 WHEREAS, Two-thirds of California museums partner with  
14 schools and school districts to provide valuable and relevant

1 educational programs that serve their local students and enhance  
2 instruction provided by the public sector; and

3 WHEREAS, Americans view museums as one of the most  
4 trustworthy sources of objective information, and, after their  
5 families, the most significant in creating a strong connection to  
6 the past; and

7 WHEREAS, California museums foster dialogue, inspire  
8 utilization of critical thinking skills, and support exploration to  
9 advance knowledge, understanding, and appreciation of history,  
10 science, the arts, and the natural world; and

11 WHEREAS, California museums, through exhibitions and  
12 programs, provide access to educational opportunities, exciting  
13 and hands-on learning experiences, information, and the cultural  
14 and natural heritage that define us as a state; and

15 WHEREAS, California museums provide a spark that inspires  
16 the future generations of scientists, artists, politicians, historians,  
17 and entrepreneurs; and

18 WHEREAS, The California Association of Museums has served  
19 to bring important recognition of this commemorative month and  
20 invites all museums, museum service organizations, California  
21 residents, and local governments to use this milestone to recognize  
22 and celebrate the essential role California museums play as  
23 educational institutions as they serve communities, the nation, and  
24 the world; now, therefore, be it

25 *Resolved by the Assembly of the State of California, the Senate*  
26 *thereof concurring*, That the Legislature recognizes the essential  
27 role that museums have in the State of California as educational  
28 institutions and proclaims May 2015 as California Museum Month;  
29 and be it further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
31 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 40 (Calderon) – As Introduced March 3, 2015

**SUBJECT:** California Museum Month.

**SUMMARY:** Proclaims May 2015 as California Museum Month and recognizes the essential role that museums have in the State of California as educational institutions. Specifically, **this resolution** makes the following legislative findings:

- 1) California is home to more than 1,400 museums that represent a multitude of learning experiences, including art museums, zoos, aquaria, historical societies, science centers, botanical gardens, children's museums, and cultural centers throughout the state and serve millions of visitors each year.
- 2) Two-thirds of California museums partner with schools and school districts to provide valuable and relevant educational programs that serve their local students and enhance instruction. These museums help the state meet its obligations in the field of education by serving over 2 million school children and over 1 million college and university students per year through field trips and outreach programs.
- 3) California museums foster dialogue, inspire utilization of critical thinking skills, and support exploration to advance knowledge, understanding, and appreciation of history, science, the arts, and the natural world; and, they provide a spark that inspires future generations of scientists, artists, politicians, historians, and entrepreneurs.
- 4) The California Association of Museums has served to bring important recognition of this commemorative month and invites all museums, museum service organizations, California residents, and local governments to use this milestone to recognize and celebrate the essential role California museums play as educational institutions as they serve communities, the nation, and the world.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800

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**Assembly Concurrent Resolution**

**No. 47**

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**Introduced by Assembly Member Chau**

March 18, 2015

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Assembly Concurrent Resolution No. 47—Relative to 529 College Savings Day.

LEGISLATIVE COUNSEL'S DIGEST

ACR 47, as introduced, Chau. 529 College Savings Day.

This measure would designate May 29, 2015, as 529 College Savings Day, to raise awareness about the importance of saving for college with the help of 529 college savings plans.

Fiscal committee: no.

1 WHEREAS, 529 college savings plans are important tools for  
2 California families that want to save for their children's college  
3 education, offering a diverse range of investment options,  
4 tax-deferred growth, and withdrawals free of state and federal  
5 taxes when those withdrawals are used for qualified higher  
6 education expenses such as tuition, fees, books, certain room and  
7 board costs, and required supplies; and

8 WHEREAS, While the first college savings plans were  
9 developed by states in 1988 as innovative programs designed to  
10 help families and students save for higher education expenses, it  
11 was not until the enactment of Section 529 of the Internal Revenue  
12 Code by Congress in 1996 that college savings plans began to  
13 rapidly gain popularity across the country; and

14 WHEREAS, Today, 49 states and the District of Columbia offer  
15 529 college savings plans, nearly 12 million 529 accounts have

1 been opened, more than \$244 billion have been saved for future  
2 higher education expenses, and more than one million students  
3 nationwide have withdrawn funds from 529 accounts to help pay  
4 higher education expenses; and

5 WHEREAS, The ScholarShare College Savings Plan, which  
6 has served as California's official state-sponsored 529 college  
7 savings plan since its launch in 1999, has grown to more than \$6.3  
8 billion in total plan assets held in over 260,000 ScholarShare  
9 accounts; and

10 WHEREAS, The ScholarShare College Savings Plan has helped  
11 students meet their higher education goals with nearly \$300 million  
12 withdrawn annually for qualified higher education expenses at  
13 over 958 colleges and universities; and

14 WHEREAS, In California, over the past 10 years, tuition rates  
15 at the University of California, the California State University,  
16 and the California Community Colleges have increased 114  
17 percent, 117 percent, and 130 percent, respectively, and over the  
18 past 40 years, tuition rates have consistently increased at two to  
19 three times the rate of inflation every year; and

20 WHEREAS, Federal financial aid awards have shifted away  
21 from student grants to providing access to guaranteed student loans  
22 so that, today, nearly 60 percent of all federal financial aid is in  
23 the form of loans, substantially increasing the number of college  
24 graduates who will face the burden of repaying significant student  
25 loan debt upon entering the workforce; and

26 WHEREAS, State support for public colleges and universities  
27 has fallen over the past decade, primarily due to the economic  
28 recession and budgetary shortfalls, and, as a result, public colleges  
29 and universities now receive more funding from student tuition  
30 than from direct state support, according to a 2014 Government  
31 Accountability Office study; and

32 WHEREAS, According to the Federal Reserve Bank of New  
33 York, student loan debt has now reached \$1.16 trillion nationally,  
34 which is more than triple the amount owed in 2005; and

35 WHEREAS, When Americans are burdened with student loan  
36 debt, they are not able to buy homes, cars, and other products that  
37 boost our economy; and

38 WHEREAS, College savings plans, such as the ScholarShare  
39 College Savings Plan, help families to limit or eliminate future

1 student loan debt by helping them save for future higher education  
2 expenses; and

3 WHEREAS, The contributions families make today pay off in  
4 the form of an increased earning potential for their children in the  
5 future, with a college graduate earning an average of \$1 million  
6 more than a high school graduate during his or her career according  
7 to the United States Census Bureau; and

8 WHEREAS, May 29th is recognized nationally as 529 College  
9 Savings Day to help raise awareness across the country of the  
10 importance of saving for college with the help of 529 college  
11 savings plans; now, therefore, be it

12 *Resolved by the Assembly of the State of California, the Senate*  
13 *thereof concurring*, That the Legislature of the State of California  
14 hereby proclaims May 29, 2015, as 529 College Savings Day; and  
15 be it further

16 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
17 of this resolution to the author for appropriate distribution.

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Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 47 (Chau) – As Introduced March 18, 2015

**SUBJECT:** 529 College Savings Day.

**SUMMARY:** Designates May 29, 2015, as 529 College Savings Day, to raise awareness about the importance of saving for college with the help of 529 college savings plan. Specifically, **this resolution** makes the following legislative findings:

- 1) 529 college savings plans are important tools for California families that want to save for their children's college education, offering a diverse range of investment options, tax-deferred growth, and withdrawals are used for qualified higher education expenses such as tuition, fees, books, certain room and board costs, and required supplies.
- 2) The ScholarShare College Savings Plan, which has served as California's official state-sponsored 529 college savings plan since its launch in 1999, has grown to more than \$6.3 billion in total plan assets held in over 260,000 ScholarShare accounts.
- 3) Today, 49 states and the District of Columbia offer 529 college savings plans, nearly 12 million 529 accounts have been opened, more than \$244 billion have been saved for future higher education expenses, and more than one million students nationwide have withdrawn funds from 529 accounts to help pay higher education expenses.
- 4) College savings plans, such as the ScholarShare College Savings Plan, help families to limit or eliminate future student loan debt by helping them save for future higher education expenses.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California State Treasurer

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800



**JOHN CHIANG**  
TREASURER  
STATE OF CALIFORNIA

April 22, 2015

The Honorable Richard S. Gordon  
Chair, Assembly Rules Committee  
State Capitol, Rm 3016  
Sacramento, CA 95814

RE: Support for Assembly Concurrent Resolution 47 (Sponsor)

Dear Assemblymember Gordon:

As the Chair of the ScholarShare Investment Board, I write to respectfully request your support for Assembly Concurrent Resolution No. 47 by Assemblymember Ed Chau, which establishes May 29th as 529 College Savings Day, and seek your assistance in raising awareness about the importance of saving for college and the significant role that 529 college savings plans can play in that process.

Over the past 40 years, college tuition rates have been consistently increasing at two to three times the rate of inflation each year. During this same period of time, financial aid funding in general has shifted away from student grants to providing access to guaranteed student loans. Today, 7 out of 10 college seniors graduate owing \$28,400 on average in student loan debt. When Californians are burdened with student loan debt at levels such as these, they are hindered in their ability to purchase homes, cars, and other products that help boost our economy.

Named after Section 529 of the Internal Revenue Code that was created by the United States Congress in 1996, 529 college savings plans provide families with a tax-advantaged investment tool that offers a diverse set of investment options, tax-deferred growth, and withdrawals free from state and federal taxes when used for qualified higher education expenses, such as tuition and fees, books, certain room and board costs, and other required supplies.

The ScholarShare College Savings Plan serves as California's official state-sponsored 529 college savings plan. Since its launch in 1999, ScholarShare has grown to more than 260,000 accounts with over \$6.3 billion in total plan assets. More importantly, ScholarShare has helped families meet their higher education needs with nearly \$300 million withdrawn by families in 2014 for qualified higher education expenses.

The Honorable Richard S. Gordon

April 22, 2015

Page 2

By recognizing May 29<sup>th</sup> as College Savings Day, ACR 47 will undoubtedly help more California families become aware of the importance of saving for future higher education expenses and utilizing 529 college savings plans, such as ScholarShare, to reduce the amount of money their loved ones borrow while pursuing their academic goals.

For all of the reasons stated above, I respectfully urge your aye vote on this important resolution.

Sincerely,



JOHN CHIANG  
California State Treasurer



AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 178**

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**Introduced by Assembly Member Bonilla**  
(Coauthor: Senator Hill)

January 26, 2015

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An act to amend ~~Sections 2841, 2847, 4501, and 4503 of Section 2847 of, and to add and repeal Sections 2847.5 and 2858.5 of,~~ the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as amended, Bonilla. Board of Vocational Nursing and Psychiatric Technicians of the State of ~~California; authority: extension.~~ *California.*

~~Existing law~~

*(1) Existing law, the Vocational Nursing Practice Act and the Psychiatric Technicians Law, provides for the licensure and regulation of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California and requires the board, among other things, to appoint an executive officer. Existing law repeals these provisions on January 1, 2016. Existing law requires the executive officer to be a licensed vocational nurse, registered nurse, or psychiatric technician.*

*This bill would ~~extend that repeal date to January 1, 2020. remove the requirement that the executive officer be a licensed vocational nurse, registered nurse, or psychiatric technician.~~*

(2) Existing law authorizes the Director of Consumer Affairs to investigate the work of the boards within the Department of Consumer Affairs, obtain a copy of the records of official matters in possession of the boards, and require reports from the boards as the director deems reasonably necessary. Existing law requires the director to provide certain reports to the Legislature, including, but not limited to, a copy of an independent review of the Bureau for Private Postsecondary Education’s staffing resources needs and requirements. Existing law also makes a violation of the Vocational Nursing Practice Act or the Psychiatric Technicians Law a crime.

This bill would require the director to appoint an enforcement program monitor no later than October 1, 2015. The bill would require the monitor to monitor and evaluate the vocational nursing and psychiatric technician system and procedures for a period of no more than 2 years, as specified, submit a report of his or her findings and conclusions to the Legislature, the department, and the board by April 1, 2016, subsequent reports by October 1, 2016, and February 1, 2017, and a final report by August 1, 2017. The bill would require the board and its staff to cooperate with the monitor. The bill would also require the department’s internal audit unit to review the board’s staffing resources needs and requirements, and require the director to provide the Legislature with a copy of the review no later than October 1, 2016. The bill would repeal these provisions on January 1, 2018. By expanding the scope of a crime, this 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 no reimbursement is required by this act for a specified reason.

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 2841 of the Business and Professions~~
- 2 ~~Code is amended to read:~~

1 ~~2841. (a) There is in the Department of Consumer Affairs a~~  
2 ~~Board of Vocational Nursing and Psychiatric Technicians of the~~  
3 ~~State of California, consisting of 11 members.~~

4 ~~(b) Within the meaning of this chapter, “board,” or “the board,”~~  
5 ~~refers to the Board of Vocational Nursing and Psychiatric~~  
6 ~~Technicians of the State of California.~~

7 ~~(c) This section shall remain in effect only until January 1, 2020,~~  
8 ~~and as of that date is repealed. Notwithstanding any other law, the~~  
9 ~~repeal of this section renders the board subject to review by the~~  
10 ~~appropriate policy committees of the Legislature.~~

11 ~~SEC. 2.~~

12 ~~SECTION 1.~~ Section 2847 of the Business and Professions  
13 Code is amended to read:

14 2847. (a) The board shall select an executive officer who shall  
15 perform duties as are delegated by the board and who shall be  
16 responsible to it for the accomplishment of those duties.

17 ~~(b) The person selected to be the executive officer of the board~~  
18 ~~shall be a duly licensed vocational nurse under this chapter, a duly~~  
19 ~~licensed registered nurse under Chapter 6 (commencing with~~  
20 ~~Section 2700), or a duly licensed psychiatric technician. The~~  
21 ~~executive officer shall not be a member of the board.~~

22 ~~(c)~~

23 ~~(b)~~ With the approval of the Director of Finance, the board shall  
24 fix the salary of the executive officer.

25 ~~(d)~~

26 ~~(c)~~ The executive officer shall be entitled to traveling and other  
27 necessary expenses in the performance of his or her duties. He or  
28 she shall make a statement, certified before a duly authorized  
29 person, that the expenses have been actually incurred.

30 ~~(e)~~

31 ~~(d)~~ This section shall remain in effect only until January 1, 2020,  
32 2016, and as of that date is repealed.

33 ~~SEC. 3.~~ Section 4501 of the Business and Professions Code is  
34 amended to read:

35 4501. (a) “Board,” as used in this chapter, means the Board  
36 of Vocational Nursing and Psychiatric Technicians of the State of  
37 California.

38 ~~(b) This section shall remain in effect only until January 1, 2020,~~  
39 ~~and as of that date is repealed.~~

1 SEC. 4.— Section 4503 of the Business and Professions Code is  
2 amended to read:

3 4503. (a) ~~The board shall administer and enforce this chapter.~~

4 (b) ~~This section shall remain in effect only until January 1, 2020,~~  
5 ~~and as of that date is repealed.~~

6 SEC. 2. Section 2847.5 is added to the Business and Professions  
7 Code, to read:

8 2847.5. (a) (1) *The director shall appoint an enforcement*  
9 *program monitor no later than October 1, 2015. The director may*  
10 *retain a person for this position by a personal services contract.*  
11 *In this connection, the Legislature finds, pursuant to Section 19130*  
12 *of the Government Code, that this is a new state function.*

13 (2) *The director shall supervise the enforcement program*  
14 *monitor and may terminate or dismiss him or her from this position.*

15 (b) (1) *The enforcement program monitor shall monitor and*  
16 *evaluate the board’s vocational nursing and psychiatric technician*  
17 *disciplinary system and procedures, with specific concentration*  
18 *on improving the overall efficiency and consistency of the*  
19 *enforcement program. The director shall specify further duties of*  
20 *the monitor.*

21 (2) *The monitoring duty shall be on a continuing basis for a*  
22 *period of no more than two years from the date of the enforcement*  
23 *program monitor’s appointment and shall include, but not be*  
24 *limited to, all of the following areas: improving the quality and*  
25 *consistency of complaint processing and investigation, assuring*  
26 *consistency in the application of sanctions or discipline imposed*  
27 *on licensees, the accurate and consistent implementation of the*  
28 *laws and rules affecting discipline, including adhering to CPEI*  
29 *complaint priority guidelines as described in the memorandum*  
30 *dated August 31, 2009, by Brian J. Stinger titled “Complaint*  
31 *Prioritization Guidelines for Health Care Agencies,” staff concerns*  
32 *regarding disciplinary matters or procedures, appropriate*  
33 *utilization of licensed professionals to investigate complaints, the*  
34 *board’s cooperation with other governmental entities charged*  
35 *with enforcing related laws and regulations regarding vocational*  
36 *nurses and psychiatric technicians.*

37 (3) *The enforcement program monitor shall exercise no authority*  
38 *over the board’s management or staff; however, the board and its*  
39 *staff shall cooperate with him or her, and shall provide data,*

1 information, and files as requested by the monitor to perform all  
2 of his or her duties.

3 (4) The director shall assist the enforcement program monitor  
4 in the performance of his or her duties, and the monitor shall have  
5 the same investigative authority as the director.

6 (c) (1) The enforcement program monitor shall submit to the  
7 department, the board, and the Legislature an initial written report  
8 of his or her findings and conclusions no later than April 1, 2016,  
9 and subsequent written reports no later than October 1, 2016, and  
10 February 1, 2017, and shall be available to make oral reports to  
11 each if requested to do so. The monitor may also provide additional  
12 information to either the department or the Legislature at his or  
13 her discretion or at the request of either the department or the  
14 Legislature. The monitor shall make his or her reports available  
15 to the public or the media. The monitor shall make every effort to  
16 provide the board with an opportunity to reply to any facts, finding,  
17 issues, or conclusions in his or her reports with which the board  
18 may disagree.

19 (2) The enforcement program monitor shall issue a final report  
20 before August 1, 2017. The final report shall include final findings  
21 and conclusions on the topics addressed in the initial report  
22 submitted by the monitor pursuant to paragraph (1).

23 (d) The board shall pay for all of the costs associated with the  
24 employment of the enforcement program monitor.

25 (e) This section shall become inoperative on October 1, 2017,  
26 and as of January 1, 2018, is repealed.

27 SEC. 3. Section 2858.5 is added to the Business and Professions  
28 Code, to read:

29 2858.5. (a) The department's internal audit unit shall review  
30 the board's staffing resources needs and requirements, and the  
31 director shall provide to the Legislature a copy of the review, no  
32 later than October 1, 2016. The director shall include with this  
33 report an overview of how the director intends to ensure that the  
34 board's staff are sufficiently qualified for purposes of implementing  
35 the provisions of this chapter and Chapter 10 (commencing with  
36 Section 4500), and the estimated costs of meeting staffing and  
37 other requirements to implement this chapter and Chapter 10  
38 (commencing with Section 4500) based on findings of the review.  
39 The director shall include a brief evaluation of whether the current

1 *fee structure is appropriate to satisfy those staffing and other*  
2 *requirements.*

3 *(b) This section shall remain in effect only until January 1, 2018,*  
4 *and as of that date is repealed.*

5 *SEC. 4. No reimbursement is required by this act pursuant to*  
6 *Section 6 of Article XIII B of the California Constitution because*  
7 *the only costs that may be incurred by a local agency or school*  
8 *district will be incurred because this act creates a new crime or*  
9 *infraction, eliminates a crime or infraction, or changes the penalty*  
10 *for a crime or infraction, within the meaning of Section 17556 of*  
11 *the Government Code, or changes the definition of a crime within*  
12 *the meaning of Section 6 of Article XIII B of the California*  
13 *Constitution.*

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**VICE CHAIR**  
BRIAN W. JONES

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Assembly  
California Legislature



ASSEMBLY COMMITTEE ON  
**BUSINESS AND PROFESSIONS**  
SUSAN A. BONILLA, CHAIR  
ASSEMBLYWOMAN, FOURTEENTH DISTRICT

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**COMMITTEE SECRETARY**  
KALA TAILOR

April 21, 2015

The Honorable Richard Gordon, Chair  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 95814

Dear Assemblymember Gordon,

I am requesting permission to add an urgency clause to AB 178 (Bonilla).

During the Sunset Review Oversight Hearings in March, the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) was reviewed. The review of the BVNPT revealed glaring issues in the BVNPT's operations including management, finances and enforcement. As a result, several recommendations were made to provide immediate oversight to the staff and operations of the BVNPT. This bill includes an urgency clause that would allow the recommendations of the hiring of an enforcement monitor and the initiation of an audit.

The bill also removes the requirement for the BVNPT's Executive Officer to be a licensed vocational nurse, psychiatric technician or registered nurse. Because the BVNPT's Executive Officer and Assistant Executive Officer retired shortly after the recommendations of the Sunset Review Oversight Hearings were published, the BVNPT needs immediate authority to hire a new Executive Officer. The urgency in the bill would allow the BVNPT to engage in this hiring process.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bonilla".

Susan A. Bonilla, Chair  
Business and Professions

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AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 684**

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**Introduced by Assembly Member Bonilla**  
*(Coauthor: Assembly Member Alejo)*

February 25, 2015

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~~An act to amend Section 4200.3 of the Business and Professions Code, relating to healing arts. An act to add and repeal Sections 655.1 and 2556.1 of the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Bonilla. ~~Pharmacy.~~ *Healing arts: licensees: disciplinary actions.*

*Existing law prohibits a licensed optometrist and a registered dispensing optician from having any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, with each other. Existing law prohibits a licensed optometrist from having any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, either by stock ownership, interlocking directors, trusteeship, mortgage, trust deed, or otherwise with any person who is engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, or dispensing opticians of lenses, frames, optical supplies, optometric appliances or devices or kindred products. Existing law makes a violation of these provisions by a licensed optometrist and any other persons, whether or not a healing arts licensee, who participates with a licensed optometrist subject to a crime.*

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*Under existing law, the Medical Board of California is responsible for the registration and regulation of dispensing opticians. Existing law makes the State Board of Optometry responsible for the licensure of optometrists.*

*This bill, until January 1, 2017, would prohibit a registered dispensing optician or optometrist from being subject to discipline by the Medical Board of California, the State Board of Optometry, or other state agency with enforcement authority for engaging in any of the aforementioned business relationships.*

*Existing law makes it unlawful to, among other things, advertise the furnishing of, or to furnish, the services of a refractionist, an optometrist, or a physician and surgeon, or to directly or indirectly employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes.*

*This bill, until January 1, 2017, would prohibit a registered dispensing optician from being subject to discipline for engaging in that aforementioned conduct.*

~~Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. Existing law authorizes the board to license as a pharmacist an applicant who meets specified requirements, including passage of the North American Pharmacist Licensure Examination. Existing law requires the examination process to meet specified standards and federal guidelines and requires the board to terminate use of that examination if the department determines that the examination fails to meet those standards. Existing law requires the board to report to the now obsolete Joint Committee on Boards, Commissions, and Consumer Protection and the department specified examination pass rate information.~~

~~This bill would instead require the board to report that pass rate information to the appropriate policy committees of the Legislature and the department. The 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 655.1 is added to the Business and*  
2 *Professions Code, to read:*

3     655.1. (a) *Notwithstanding any other law and on and after*  
4 *January 1, 2016, no dispensing optician registered pursuant to*  
5 *Chapter 5.5 (commencing with Section 2550) or optometrist*  
6 *licensed pursuant to Chapter 7 (commencing with Section 3000)*  
7 *shall be subject to discipline by the Medical Board of California,*  
8 *the State Board of Optometry, or other state agency with*  
9 *enforcement authority for engaging in any business relationship*  
10 *prohibited by Section 655.*

11     (b) *Nothing in this section shall be construed to imply or suggest*  
12 *that a registered dispensing optician or optometrist engaging in*  
13 *any business relationship is in violation of or in compliance with*  
14 *the law.*

15     (c) *This section shall remain in effect only until January 1, 2017,*  
16 *and as of that date is repealed, unless a later enacted statute, that*  
17 *is enacted before January 1, 2017, deletes or extends that date.*

18     SEC. 2. *Section 2556.1 is added to the Business and Professions*  
19 *Code, to read:*

20     2556.1. (a) *Notwithstanding any other law and on and after*  
21 *January 1, 2016, a person registered under this chapter shall not*  
22 *be subject to discipline for engaging in conduct prohibited by*  
23 *Section 2556, except that, a registrant shall be subject to discipline*  
24 *for duplicating or changing lenses without a prescription or order*  
25 *from a person duly licensed to issue the same.*

26     (b) *Nothing in this section shall be construed to imply or suggest*  
27 *that a person registered under this chapter is in violation of or in*  
28 *compliance with the law.*

29     (c) *This section shall remain in effect only until January 1, 2017,*  
30 *and as of that date is repealed, unless a later enacted statute, that*  
31 *is enacted before January 1, 2017, deletes or extends that date.*

32     ~~SECTION 1. Section 4200.3 of the Business and Professions~~  
33 ~~Code is amended to read:~~

34     ~~4200.3. (a) The examination process shall be regularly~~  
35 ~~reviewed pursuant to Section 139.~~

36     ~~(b) The examination process shall meet the standards and~~  
37 ~~guidelines set forth in the Standards for Educational and~~  
38 ~~Psychological Testing and the federal Uniform Guidelines on~~

1 ~~Employee Selection Procedures. The board shall work with the~~  
 2 ~~Office of Professional Examination Services of the department or~~  
 3 ~~with an equivalent organization who shall certify at minimum once~~  
 4 ~~every five years that the examination process meets these national~~  
 5 ~~testing standards. If the department determines that the examination~~  
 6 ~~process fails to meet these standards, the board shall terminate its~~  
 7 ~~use of the North American Pharmacist Licensure Examination and~~  
 8 ~~shall use only the written and practical examination developed by~~  
 9 ~~the board.~~

10 ~~(e) The examination shall meet the mandates of subdivision (a)~~  
 11 ~~of Section 12944 of the Government Code.~~

12 ~~(d) The board shall work with the Office of Professional~~  
 13 ~~Examination Services or with an equivalent organization to develop~~  
 14 ~~the state jurisprudence examination to ensure that applicants for~~  
 15 ~~licensure are evaluated on their knowledge of applicable state laws~~  
 16 ~~and regulations.~~

17 ~~(e) The board shall annually publish the pass and fail rates for~~  
 18 ~~the pharmacist's licensure examination administered pursuant to~~  
 19 ~~Section 4200, including a comparison of historical pass and fail~~  
 20 ~~rates before utilization of the North American Pharmacist Licensure~~  
 21 ~~Examination.~~

22 ~~(f) (1) The board shall report to the appropriate policy~~  
 23 ~~committees of the Legislature and the department as part of its~~  
 24 ~~next scheduled review, the pass rates of applicants who sat for the~~  
 25 ~~national examination compared with the pass rates of applicants~~  
 26 ~~who sat for the prior state examination. This report shall be a~~  
 27 ~~component of the evaluation of the examination process that is~~  
 28 ~~based on psychometrically sound principles for establishing~~  
 29 ~~minimum qualifications and levels of competency.~~

30 ~~(2) This subdivision shall become inoperative on January 1,~~  
 31 ~~2020, pursuant to Section 10231.5 of the Government Code.~~

O

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ASSEMBLY COMMITTEE ON  
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**COMMITTEE SECRETARY**  
KALA TAILOR

April 23, 2015

The Honorable Richard Gordon, Chair  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 95814

Dear Assemblymember Gordon,

I am requesting permission to add an urgency clause to AB 684 (Bonilla).

This bill would protect various businesses, opticians and optometrists who engage in any business relationship that is prohibited by BPC § 655, from discipline from the Medical Board of California, State Board of Optometry or other state agency with enforcement authority. It is imperative that this bill have an urgency clause so that these business models will be protected from disciplinary action while the Legislature works with the appropriate regulatory agencies to create a model that will allow California business to provided services to patients and also protect the interests of practitioners.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bonilla".

Susan A. Bonilla, Chair  
Business and Professions

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