



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative & Regulatory Subcommittee**

**Agenda**



Notice is hereby given that a public meeting of the Legislative and Regulatory Subcommittee of the Dental Hygiene Board of California (DHBC) will be held as follows:

**LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING**

Friday, April 12, 2019  
DHBC Headquarters Building  
2005 Evergreen Street, 1st Floor Hearing Room  
Sacramento, CA 95815

**Legislative and Regulatory Subcommittee Members:**

Noel Kelsch, RDHAP Member, Chair  
Garry Shay, Public Member  
Evangeline Ward, RDH Member  
Michelle Hurlbutt, RDH Educator Member

**Upon Conclusion of the Licensing and Examination Subcommittee meeting.**

**Agenda**

**LEG 1 – Roll Call**

**LEG 2 – Public Comment for Items Not on the Agenda**

*[The DHBC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a).]*

**LEG 3 – Chairperson's Report**

**LEG 4 – Approval of the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes**

**LEG 5 – Discussion, Possible Action, and Recommendation to the Full Board for the Following Legislative Bills:**

- AB 5 (Gonzales): Worker Status: Independent Contractors.
- AB 62 (Fong): State Government: FI\$CAL: Transparency.
- AB 71 (Melendez Kiley): Employment Standards: Independent Contractors and Employees.
- AB 193 (Patterson): Professions and vocations.
- AB 312 (Cooley): State government: administrative regulations: review.
- AB 316 (Ramos Robert Rivas): Medi-Cal: benefits: beneficiaries with special dental care need.
- AB 476 (Rubio): Department of Consumer Affairs: task force: foreign-trained professionals.
- AB 496 (Low): Business and professions.
- AB 544 (Brough): Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
- AB 613 (Low): Professions and vocations: regulatory fees.
- AB 744 (Aguiar-Curry): Healthcare coverage: telehealth.
- AB 768 (Brough): Professions and vocations.

- AB 862 (Kiley): Professions and vocations: license revocation and suspension: student loan default.
- AB 931 (Boerner Horvath): State and local boards and commissions: representation: appointments.
- AB 954 (Wood): Dental services: third-party network access.
- AB 1076 (Ting): Criminal records: automatic relief.
- AB 1271 (Diep): Licensing examinations: report.
- AB 1519 (Committee on Business and Professions): Healing arts: Dental Board of California.
- AB 1529 (Low): Telephone medical device services.
- AB 1622 (Carillo): Family physicians.
- SB 53 (Wilk): Open meetings.
- SB 66 (Atkins McGuire): Medi-Cal: federally qualified health center and rural health clinic services.
- SB 144 (Mitchell): Fees: criminal administrative fees.
- SB 154 (Pan): Medi-Cal: restorative dental services.
- SB 601 (Morrell): State agencies: licenses: fee waiver.
- SB 653 (Chang): Dental Hygienists: RDHAP: Scope of Practice
- SB 786 (Senate Committee on Business, Professions and Economic Development): Healing arts.

**LEG 6 – Discussion and Possible Action, and Recommendation to the Full Committee on Proposed Draft Regulatory Language to Implement AB 2138.**

**LEG 7 - Future Agenda Items**

**LEG 8 – Adjournment of the Legislative and Regulatory Subcommittee Meeting**

DHBC members who are not members of this subcommittee may attend meetings as observers only and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and subject to change. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at [www.dhcc.ca.gov](http://www.dhcc.ca.gov).

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Elizabeth Elias, Assistant Executive Officer, at 916-263-2010, or email [Elizabeth.elias@dca.ca.gov](mailto:Elizabeth.elias@dca.ca.gov) or send a written request to the DHBC at 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815. Providing your request at least five (5) business days prior to the meeting will help to ensure availability of the requested accommodation.



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative and Regulatory Subcommittee Meeting**

**Agenda Item LEG 2:**

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

[The DHBC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a).]



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative and Regulatory Subcommittee Meeting**

**Agenda Item LEG 3:**

**Chairperson's Report  
A Verbal Report Will Be Given**



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative and Regulatory Subcommittee Meeting**

**Agenda Item LEG 4:**

**Approval of November 16, 2018 Legislative and  
Regulatory Subcommittee Meeting Minutes**



## Legislative & Regulatory Subcommittee Minutes

### Friday, April 20, 2018

#### Location:

Radisson Hotel Fresno - Conference Center  
1055 Van Ness Avenue  
Fresno CA 93721

#### DHCC Members Present:

Garry Shay, Chairperson, Public Member  
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP)  
Timothy Martinez, Public Health Dentist

#### DHCC Members Absent

Sandra Klein, Public Member

#### DHCC Staff Present:

Anthony Lum, Executive Officer  
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist  
Daniel Rangel, DHCC Special Investigator  
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

#### Public Present:

Vickie Kimbrough, Taft College, Purple Pen  
Jean Kulbeth, Fresno City College  
Karen Fischer, Executive Officer, Dental Board of California (DBC)  
Joanne Pacheco, Fresno City College  
JoAnn Galliano, MEd, RDH, DHCC Educational Consultant and Subject Matter Expert (SME)  
Brenda Serpa, SJVC – Visalia  
Leslie Nazaroff, San Joaquin Valley College (SJVC) – Ontario  
Kelly Reich, Western Regional Examination Board (WREB)  
Maureen Titus, California Dental Hygienist's Association (CDHA)  
Sabrina Santucho, Concorde Career College (CCC) – San Bernardino  
Arezou Goshtasbi, CCC – Garden Grove  
Laurel Sampson, CCC – San Diego  
Brianna Pittman-Spencer, California Dental Association (CDA)  
Kim Laudenslager – Central Regional Dental Testing Service (CRDTS)  
Sandra Henriquez, CDHA  
Tracy Goldman, CDHA  
Lisa Okamoto, CDHA  
Rhoda Gonzales, CDHA  
Thomas Stewart, DDS, President, DBC  
Edward Cramp, Duane Morris, LLP

## 1. Roll Call and Establishment of a Quorum

Garry Shay, Chairperson of the Legislative and Regulatory Subcommittee, called the meeting to order at **10:19 a.m.** Roll call was taken, and a quorum established with three members present.

Chair Shay stated that he would not be present at the Committee meeting on Saturday, November 17, 2018. Chair Shay stated he asked Dr. Martinez to share the Legislative and Regulatory Subcommittee report to the full Committee.

## 2. Public Comments for Items Not on the Agenda

Chair Shay requested comments from the public or the Subcommittee.

No comments received.

## 3. Chairperson's Report

None

## 4. Approval of the April 20, 2018 Legislative and Regulatory Subcommittee Minutes

Chair Shay presented for approval the April 20, 2018 Legislative and Regulatory Subcommittee Minutes and requested a movement to adopt.

Moved: Noel Kelsch

Second: Timothy Martinez

Chair Shay requested comments from the public or the Subcommittee.

No comments received.

***Vote: Motion to adopt the April 20, 2018 Legislative and Regulatory Subcommittee Meeting Minutes. Passed 6:0:3.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		



## 5. Report on 2018 Legislative Bills – Results (Bills Reported at the April 2018 Meeting – Informational Only)

Anthony Lum, Executive Officer of the DHCC, presented the results of the bills reported at the April 2018 Meeting:

2017 18 Legislative Bills	DHCC Position
<p>AB 767 (Quirk-Silva), <del>Master Business License</del> GO-Biz Information Technology.</p> <p>(Gutted and Amended to another issue of no concern to DHCC)</p>	Watch
<p>AB 1659 (Low), Healing Arts Boards: Inactive Licenses.</p> <p>Prohibits holder of an Inactive license from representing that they have an active license. Also authorizes a board to establish a lower Inactive License Renewal Fee if it chooses.</p> <p>(Chaptered 249, Statutes of 2018)</p>	<p>Send Letter of Concern</p> <p>Letter not sent</p>
<p>AB 2078 (Daly), Sex Offenses: professional services.</p> <p>Last Action: 8/16/18 (died in Committee)</p>	Watch
<p>AB 2138 (Chiu), Licensing Boards: denial of application: revocation or suspension of licensure: criminal conviction.</p> <p>Reduces barriers to licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years no longer eligible for license denial, with several enumerated exemptions.</p> <p>(Chaptered 995, Statutes of 2018)</p>	<p>Oppose</p> <p>Letter of Opposition Sent to Author</p>
<p>AB 2264 (Brough), Professions and Vocations Fees.</p> <p>Last Action: 3/1/18 (died in Committee)</p>	Oppose, unless amended
<p>AB 2409 (Kiley), Professions and Vocations: occupational regulations.</p> <p>Last Action: 4/17/18 (died in Committee)</p>	Listed on April 2018 meeting agenda, but information left out of meeting materials

<p>AB 2483 (Voepel), <del>Department of Consumer Affairs: Office of Supervision of Occupational Boards</del> Indemnification of public officers and employees: antitrust awards.</p> <p>(Gutted and amended to issue of no concern to DHCC)</p>	Watch
<p>AB 2643 (Irwin), Dentistry: General Anesthesia: Health Care Coverage.</p> <p>Removes facility-based restrictions on health plan and insurer coverage of dental anesthesia, thereby requiring current dental anesthesia coverage to also apply in outpatient settings. (Current law requires coverage in hospitals and surgery centers when it is medically necessary, for children under age seven, and for those with developmental disabilities.)</p> <p>It also modifies the informed consent form used for general anesthesia in the case of a minor undergoing the procedure.</p> <p>Last Action: 5/25/18 (held in Committee)</p>	Watch
<p>SB 244 (Lara), Privacy: Agencies: personal information.</p> <p>Limits the collection and disclosure of information obtained by a local or state agency for purposes of issuing a local identification card, driver's license, or the administration of public services, as specified.</p> <p>(Chaptered 885, Statutes of 2018)</p>	No Action/watch
<p>SB 707 (Canella), Medi-Cal: Denti-Cal Advisory Group.</p> <p>Vetoed by the Governor 9/26/18</p> <p>(Reason: Not every Medi-Cal issue needs a stakeholder process to deliberate and advise the DHCS)</p>	Support, if amended to include DBC and DHCC member
<p>SB 762 (Hernandez), <del>Healing Arts Licensee: License Activation Fee: Waiver</del> Optometry: administration of immunizations.</p> <p>(Chaptered 330, Statutes of 2018)</p> <p>Bill subject matter was revised to only pertain to Optometry</p>	Watch
<p>SB 984 (Skinner), State Boards and Commissions: Representation: women.</p> <p>This bill requires the composition of each appointed state board and commission to have a specified number of women directors and requires the office of the governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.</p>	Watch

Last Action: 8/16/18 (held in Committee)	
<p>SB 1137 (Vidak), Veterans: Professional Licensing Benefits</p> <p>Requires the Department of Veterans Affairs and the Department of Consumer Affairs to, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses, as specified.</p> <p>(Chaptered 414, Statutes of 2018)</p>	Watch
<p>SB 1148 (Pan), Medi-Cal: Restorative dental services</p> <p>This bill permits a Denti-Cal provider for the treatment of dental caries to provide, and receive Denti-Cal reimbursement for, silver diamine fluoride (SDF) when used as a caries arresting agent for specified populations of Medi-Cal beneficiaries, if specified conditions are met.</p> <p>Vetoed by the Governor on 9/27/18</p> <p>(Reason: bill requires significant, ongoing general fund commitments and should be considered as part of the budget process)</p>	<p>Oppose, unless amended</p> <p>Letter of Opposition was sent to Author</p>
<p>SB 1465 (Hill), <del>Professions and Vocations: Examinations</del> Contractors: civil actions: reporting</p> <p>Amended to remove examination issue and pertain to only contractors.</p> <p>(Chaptered 514, Statutes of 2018)</p>	Watch
<p>SB 1482 (Hill), Dental Hygienists (DHCC Sunset Review Bill)</p> <p>The Bill authorizes the following:</p> <ol style="list-style-type: none"> <li>1. Creates the Dental Hygiene Board of California (DHBC).</li> <li>2. Reconstructs the appointing authority of the board from 9 Governor appointees to 7 Governor appointees and 2 public member appointees; 1 from the Senate, 1 from the Assembly after 2019 or when the next 2 public members end their terms.</li> <li>3. Requires RDH applicant to have completed the clinical exam within 2 years of applying for RDH licensure.</li> <li>4. Eliminates the option to complete the state clinical examination toward RDH licensure.</li> <li>5. Requires the DHBC to renew approval of dental hygiene educational programs who certifies that the program continues to meet the requirements proscribed by the DHBC.</li> </ol>	<p>Support</p> <p>Letter of Support Sent to Author</p>

<ol style="list-style-type: none"> <li>6. Authorizes to conduct periodic surveys, evaluations, and announced and unannounced site visits to existing and new RDH, RDHAP, and RDHEF educational programs for DHCC and CODA compliance.</li> <li>7. Authorizes to place existing or new dental hygiene educational programs on probation, issue citation and fines and orders of abatement for any approved educational program.</li> <li>8. Prohibits the fee for the DHBC to conduct compliance site visits on dental hygiene educational programs not to exceed the actual cost incurred by the DHBC.</li> <li>9. Prohibits the fee for a Retired License from exceeding ½ of the current License Renewal Fee.</li> <li>10. Authorizes the acceptance of hard fingerprint cards for out-of-state applicants for licensure or licensees residing out-of-state who do not currently have electronic fingerprints on file.</li> <li>11. Requires random audits of at least 5% of licensee population each year for Continuing Education (CE) compliance.</li> <li>12. Extends the board's operations until 2023.</li> </ol> <p>(Chaptered 858, Statutes of 2018)</p>	
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#### **AB 2138 Notes:**

EO Lum stated AB 2138 passed even though many DCA Boards opposed the Bill. This bill limits the DHCC to research criminal convictions to seven years. It will produce difficulty to show patterns of behavior.

Legal Counsel (LC) Hurtado acknowledged Chair Shay's concern for AB 2138 from the April meeting. He stated that this will likely result in the Committee promulgating regulations and cause the Committee to take under consideration the rehabilitation of the applicant. Proposed regulations should be available for the Committee by the April 2019 meeting or a teleconference may be necessary in the summer to adopt any new regulations.

#### **SB1482 Notes:**

EO Lum: Reported SB 1482 passed and established the "Dental Hygiene Board of California".

#### **Comments:**

Chair Shay requested comments from the public or the Subcommittee.

No comments received.

6. Discussion, Possible Action, and Recommendation to the Full Committee on the Following Proposed Regulatory Packages:

- a)16 CCR § 1105.4 Appeals Process (Educational Programs)
- b)16 CCR §1109 Radiograph Decision Making and Interim Therapeutic Restorations
- c)16 CCR § 1115 Retired License
- d)16 CCR § 1116 Mobile Dental Hygiene Clinic

EO Lum presented the following:

**6a. 16 CCR § 1105.4 Appeals Process (Educational Programs)**

EO Lum: Explained that the current process for withdrawal of DHEPs. He stated that the process should go through the EO first to determine the need for withdrawal and then to the Committee for the final decision. This would allow better vetting, communication, and notification to the involved parties.

Chair Shay requested a motion to adopt.

Motion: Noel Kelsch

Second: Timothy Martinez

Chair Shay requested comments from the public or the Subcommittee.

No comments received.

***6a. Vote: Recommendation to the Full Committee on Proposed Regulatory Package 16 CCR § 1105.4 Appeals Process (Educational Programs). Passed 3:0.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		

## **6b. 16 CCR §1109 Radiograph Decision Making and Interim Therapeutic Restorations**

EO Lum stated that staff would like to postpone presentation until the next meeting.

Chair Shay requested a motion to postpone recommendation to the Full Committee proposed regulation 16 CCR §1109 until the next meeting.

Discussion took place regarding why the postponement was requested. EO Lum stated there is proposed language, however, it has been recommended by legal to vet language thoroughly. Legal stated the language appeared to be more statutory instead of regulatory and would like additional time to vet and give it a better chance to pass through the regulatory process. It was decided that any concerns to be forwarded to EO Lum to be considered while redrafting the language and decided that there be a teleconference with the Members in February.

Motion to postpone discussion on proposed regulatory package 16 CCR §1109 Radiograph Decision Making and Interim Therapeutic Restoration and convene a meeting in February 2019 to address proposed regulation 16 CCR §1109.

Moved: Noel Kelsch

Second: Timothy Martinez

Discussion: None

***6b. Vote: Motion to Postpone Recommendation to the Full Committee on Proposed Regulatory Package 16 CCR §1109 Radiograph Decision Making and Interim Therapeutic Restoration and Convene a Meeting in February 2019 to Address Proposed Regulation 16 CCR §1109. Passed 3:0.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		

### **6c. Recommendation to the Full Committee on Proposed Regulatory Package 16 CCR § 1115 Retired License.**

EO Lum: Stated statutory language was passed a couple years ago and staff has drafted regulatory language for a retired license category and the parameters around the issuance of a retired license.

Chair Shay: Requested a motion to adopt.

Motion to recommend to the Full Committee the proposed regulatory package language for 16 CCR § 1115 Retired License.

Motion: Noel Kelsch

Second: Timothy Martinez

#### **Discussion**

Discussion regarding the seven-year time limit took place. It was decided that seven years is consistent with section 2138.

No further discussion.

***6c. Vote: Motion to Recommend to the Full Committee the Proposed Regulatory Package Language for 16 CCR § 1115 Retired License. Passed 3:0.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		

### **6d. Recommendation to the Full Committee on Proposed Regulatory Package 16 CCR § 1116 Mobile Dental Hygiene Clinic.**

EO Lum reported staff has drafted regulatory language for mobile dental hygiene clinics and the parameters around the issuance of a license for a mobile dental hygiene clinic

Chair Shay: Requested a motion to adopt.

Motion to recommend to the Full Committee the proposed regulatory package language for 16 CCR § 1116 Mobile Dental Hygiene Clinic.

Motion: Noel Kelsch  
Second: Timothy Martinez

### Discussion

Discussion took place clarifying language to ensure language was consistent among the sections.

No further discussion.

Chair Shay requested a motion to adopt with the proposed amendment to correct “Licensed Dental Hygienist in Charge” to “Licensed Dental Hygienist in Alternative Practice (RDHAP) in Charge”.

Motion to recommend to the Full Committee the amended proposed regulatory package language for 16 CCR § 1116 Mobile Dental Hygiene Clinic.

Motion: Noel Kelsch  
Second: Timothy Martinez

Discussion: None

***6d. Vote: Motion to Recommend to the Full Committee the Proposed Regulatory Package Language 16 CCR § 1116 Mobile Dental Hygiene Clinic as Amended. Passed 3:0.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		

## 7. Discussion and Possible Action, and Recommendation to the Full Committee for 2019 Legislative Proposals: Omnibus Bill

EO Lum reported the Omnibus Bill is an annual bill which allows the DHCC to “clean-up” any non-substantive changes in our statutes. EO Lum requested input from the Committee if they have identified any non-substantive changes that would need to be placed in the Omnibus Bill.

Chair Shay requested comments from the Subcommittee or public.

Discussion took place with references to “Hygiene board” and clarified that it should instead read



“Dental Hygiene Board”. It was requested this to be changed as this would be a noncontroversial change.

Motion to include the amendment of “Dental” to be added to “Hygiene Board” to be added to the Omnibus Bill.

Motion: Noel Kelsch  
Second: Timothy Martinez

Public Comments:

Lisa Okamoto spoke in support of changing “Hygiene Board” to “Dental Hygiene Board”.

No further comments.

***Vote: Motion to include the amendment of “Dental” to be added to “Hygiene Board” to be added to the Omnibus Bill. Passed 3:0.***

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Garry Shay	X		

## 8. Future Agenda Items

Chair Shay requested future agenda items

No comments received.

## 9. Adjournment

Chair Shay adjourned the Legislative and Regulatory Subcommittee meeting at **10:53 a.m.**



**Friday, April 12, 2019**

## **Dental Hygiene Board of California**

### **Legislative and Regulatory Subcommittee Meeting**

#### **Agenda Item LEG 5:**

#### **Status Report on Legislative Bills of Interest to DHBC**

- AB 5 (Gonzales): Worker Status: Independent Contractors.
- AB 62 (Fong): State Government: FI\$CAL: Transparency.
- AB 71 (Melendez Kiley): Employment Standards: Independent Contractors and Employees.
- AB 193 (Patterson): Professions and vocations.
- AB 312 (Cooley): State government: administrative regulations: review.
- AB 316 (Ramos Robert Rivas): Medi-Cal: benefits: beneficiaries with special dental care need.
- AB 476 (Rubio): Department of Consumer Affairs: task force: foreign-trained professionals.
- AB 496 (Low): Business and professions.
- AB 544 (Brough): Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
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- AB 931 (Boerner Horvath): State and local boards and commissions: representation: appointments.
- AB 954 (Wood): Dental services: third-party network access.
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- AB 1519 (Committee on Business and Professions): Healing arts: Dental Board of California.
- AB 1529 (Low): Telephone medical device services.
- AB 1622 (Carillo): Family physicians.
- SB 53 (Wilk): Open meetings.

- SB 66 (Atkins McGuire): Medi-Cal: federally qualified health center and rural health clinic services.
- SB 144 (Mitchell): Fees: criminal administrative fees.
- SB 154 (Pan): Medi-Cal: restorative dental services.
- SB 601 (Morrell): State agencies: licenses: fee waiver.
- SB 653 (Chang): Dental Hygienists: RDHAP: Scope of Practice
- SB 786 (Senate Committee on Business, Professions and Economic Development): Healing arts.



**LEGISLATIVE BILLS OF INTEREST TO THE DHBC: APRIL 12, 2019**

Legislation	Topic	Status	DHBC Staff Recommended Action
<b>AB 5 (Gonzales)</b>	<p><b>Worker Status: Independent Contractors</b> Existing law requires a 3-part test, commonly known as the “ABC” test, to establish that a worker is an independent contractor for those purposes.</p> <p>This bill would provide that the factors of the “ABC” test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code, unless another definition or specification of “employee” is provided.</p> <p>The Labor Code makes it a crime for an employer to violate specified provisions of law with regard to an employee. By expanding the definition of an employee for purposes of these provisions, the bill would expand the definition of a crime.</p>	<p><b>Active</b></p> <p>3-27-19: Amended by author and re-referred to Assembly Committee on Labor &amp; Employment</p>	<b>Watch</b>
<b>AB 62 (Fong)</b>	<p><b>State Government: Fi\$CAL: Transparency.</b> This bill would enact the Budget Transparency Act of 2019 and would modify the transparency component of the Fi\$Cal system to require it to have information regarding all state expenditures, including the amount, type, and a description of each state expenditure posted on its website. The bill would require the website to be interactive, searchable, regularly updated, and include specified features, including information on each state expenditure.</p>	<p><b>Active</b></p> <p>4-1-19: Amended by author and re-referred to Assembly Committee on Accountability and Administrative Review</p> <p>Hearing Date: 4-10-19</p>	<b>Watch</b>
<b>AB 71 (Melendez Kiley)</b>	<p><b>Employment Standards: Independent Contractors and Employees</b> This bill would require a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.</p>	<p><b>Active</b></p> <p>2-26-19: Amended by author and re-referred to Assembly Committee on Labor &amp; Employment</p>	<b>Watch</b>

<p><b>AB 193 (Patterson)</b></p>	<p><b>Professions and vocations.</b> This bill would require the DCA, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill.</p> <p>Beginning February 1, 2021, and every 2 years thereafter, this bill would require each board within the department to submit to the department an assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information.</p> <p>The bill would require the department to report to the Legislature on March 1, 2023, and every 2 years thereafter, on the department's progress in conducting its review, and would require the department to issue a final report to the Legislature no later than March 1, 2033.</p>	<p><b>Active</b></p> <p>3-21-19: Amended by author and re-referred to Assembly Committee on Business &amp; Professions</p>	<p><b>Watch</b></p>
<p><b>AB 312 (Cooley)</b></p>	<p><b>State government: administrative regulations: review.</b> This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.</p>	<p><b>Active</b></p> <p>3-27-19: Do Pass from Assembly Committee on Accountability and Administrative Review and re-referred to the Assembly Committee on Appropriations</p>	<p><b>Watch</b></p>
<p><b>AB 316 (Ramos Robert Rivas)</b></p>	<p><b>Medi-Cal: benefits: beneficiaries with special dental care needs</b> This bill would require the department to implement a special needs treatment and management benefit, which would be provided for 4 visits in a 12-month period for a Medi-Cal dental program beneficiary with special dental care needs, as defined.</p> <p>The bill would require a Medi-Cal dental program provider to document the need for additional time to treat a Medi-Cal dental program beneficiary with special dental care needs. The bill would not limit the provision or scope of Medi-Cal benefits covered under existing law.</p>	<p><b>Active</b></p> <p>3-26-19: Amended by author and re-referred to Assembly Committee on Health</p> <p>Hearing postponed by Committee.</p> <p>Hearing Date: 4-9-19</p>	<p><b>Watch</b></p>

	<p>The bill would require the department to seek any necessary approvals from the federal Centers for Medicare and Medicaid Services to implement the bill. The bill would authorize the department to implement these provisions, by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, and would require the department to subsequently adopt regulations, as specified, by July 1, 2022.</p>		
<p><b>AB 476</b> <b>(Blanca Rubio)</b></p>	<p><b>Department of Consumer Affairs: task force: foreign-trained professionals.</b> This bill would require the Department to establish a task force to study the workforce integration of foreign-trained professionals. The task force would be required to solicit input from a variety of government agencies, including in-state and out-of-state licensing entities.</p>	<p><b>Active</b>  3-26-19: Do pass and re-refer to Assembly Committee on Appropriations  Hearing Date: 4-3-19</p>	<p><b>Watch</b></p>
<p><b>AB 496</b> <b>(Low)</b></p>	<p><b>Business and professions.</b> This bill would replace gendered terms with nongendered terms and make various other non-substantive changes. This bill would instead define "licensee" to mean any-person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified, and would provide that any reference to licentiate be deemed to refer to licensee.</p>	<p><b>Active</b>  2-21-19: Referred to Assembly Committee on Business and Professions  Hearing Date: 4-2-19</p>	<p><b>Watch</b></p>
<p><b>AB 544</b> <b>(Brough)</b></p>	<p><b>Professions and vocations: inactive license fees and accrued and unpaid renewal fees.</b> This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.</p>	<p><b>Active</b>  3-21-19: Amended by author and re-referred to Assembly Committee on Business and Professions</p>	<p><b>Watch</b></p>
<p><b>AB 613</b> <b>(Low)</b></p>	<p><b>Professions and vocations: regulatory fees.</b> This bill would authorize each board within the DCA to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase</p>	<p><b>Active</b>  2-25-19: Referred to Assembly Committee on Business and Professions  Hearing Date: 4-23-19</p>	<p><b>Watch</b></p>

	proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.		
<b>AB 744 (Aguiar-Curry)</b>	<p><b>Healthcare coverage: telehealth.</b> Existing law requires a Medi-Cal patient receiving teleophthalmology, teledermatology, or teledentistry by store and forward to be notified of the right to receive interactive communication with a distant specialist physician, optometrist, or dentist, and authorizes a patient to request that interactive communication. This bill would delete those interactive communication provisions.</p> <p>This bill would require a contract issued, amended, or renewed on or after January 1, 2020, between a health care service plan and a healthcare provider for the provision of healthcare services to an enrollee or subscriber, or between a health insurer and a healthcare provider for an alternative rate of payment to specify that the health care service plan or health insurer reimburse a healthcare provider for the diagnosis, consultation, or treatment of an enrollee, subscriber, insured, or policyholder delivered through telehealth services on the same basis and to the same extent that the health care service plan or health insurer is responsible for reimbursement for the same service through in-person diagnosis, consultation, or treatment.</p> <p>This bill would authorize a health care service plan or health insurer to offer a contract or policy containing a deductible, copayment, or coinsurance requirement for a healthcare service delivered through telehealth services, subject to specified limitations.</p> <p>This bill would prohibit a health care service plan contract or policy or health insurance issued, amended, or renewed on or after January 1, 2020, from imposing an annual or lifetime dollar maximum for telehealth services, and would prohibit those contracts and policies from imposing a deductible, copayment, or coinsurance, or a plan year, calendar year,</p>	<p><b>Active</b></p> <p>2-28-19: Referred to the Assembly Committee on Health</p> <p>Hearing Date: 4-23-19</p>	<b>Watch</b>

	lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed on all terms and services covered under the contract.		
<b>AB 768 (Brough)</b>	<b>Professions and vocations.</b> This bill would authorize the DCA and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.	<b>Active</b>  2-28-19: Referred to Assembly Committee on Business and Professions	<b>Watch</b>
<b>AB 862 (Kiley)</b>	<b>Professions and vocations: license revocation and suspension: student loan default.</b> This bill would prohibit the Department and all of its programs from revoking or suspending a license due to the licensee's default on student loan payments.	<b>Active</b>  3-25-19: Amended by author and re-referred to Assembly Committee on Business and Professions  Hearing Date: 4-9-19	<b>Watch</b>
<b>AB 931 (Boerner Horvath)</b>	<b>State and local boards and commissions: representation: appointments.</b> On and after January 1, 2025, this bill would require every state and local board to be comprised of a certain number of women based on the total number of seats on the board. This bill would also require the office of the Governor to collect and release aggregated demographic data related to state and local boards applicants, nominees, and appointees.	<b>Active</b>  3-7-19: Referred to Assembly Committees on Local Government and Accountability and Administrative Review  Hearing Date: 4-3-19	<b>Watch</b>
<b>AB 954 (Wood)</b>	<b>Dental services: third-party network access.</b> This bill would authorize a health care service plan or health insurer that issues, sells, renews, or offers a contract or policy covering dental services, including a specialized health care service plan contract or specialized policy of health insurance, or a contracting entity, as defined, to grant third party access to a provider network contract entered into, amended, or renewed on or after January 1, 2020, or access to services or discounts provided pursuant to that provider network contract if certain criteria are met, including if a health care services plan's or health insurer's provider network contract clearly identifies the third-party access provision and the provider network contract allows a provider to opt out of third-party access.	<b>Active</b>  3-27-19: Amended and re-referred to the Assembly Committee on Health  Hearing Date: 4-2-19	<b>Watch</b>



	<p>The bill would specify that a provider is not bound by or required to perform dental treatment or services under a provider network contract granted to a third party in violation of these provisions. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.</p>		
<p><b>AB 1076 (Ting)</b></p>	<p><b>Criminal records: automatic relief.</b> Commencing January 1, 2021 this bill would require the Department of Justice, on a weekly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure.</p> <p>The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.</p> <p>The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.</p> <p>The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.</p>	<p><b>Active</b></p> <p>3-27-19: Amended by author and re-referred to Assembly Committee on Public Safety</p> <p>Hearing Date: 4-2-19</p>	<p><b>Watch</b></p>
<p><b>AB 1271 (Diep)</b></p>	<p><b>Licensing examinations: report.</b> This bill would state the intent of the Legislature to reduce barriers to licensure by requiring the Department of Consumer Affairs to prepare and submit a study to the Legislature, by January 1,</p>	<p><b>Active</b></p> <p>2-28-19: Referred to Assembly Committee on Business and Professions</p>	<p><b>Watch</b></p>

	2021, which contains information on (1) whether licensure requires completion of a board-approved training program, (2) whether licensure requires passage of a written or clinical licensing exam, (3) the exam fee that is required in addition to other application fees, (4) the average length of time between submitting a licensure application and taking a licensing exam, (5) the average passing rate of the licensing exam, and (6) the percentage of annual applicants due to exam failure.	Hearing Date: 4-23-19	
<b>AB 1519 (Committee on Business &amp; Professions)</b>	<b>Healing arts: Dental Board of California.</b> The Dental Practice Act provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to the executive officer. These provisions are in effect only until January 1, 2020, and, upon repeal of those provisions, the board will be subject to review by the appropriate policy committees of the Legislature. This bill would extend the provisions relating to the Dental Board of California and the executive officer to January 1, 2024. This is the Dental Board's Sunset Bill.	<b>Active</b>  3-14-19: Referred to the Assembly Committee on Business & Professions.  Hearing Date: 4-23-19	<b>Watch</b>
<b>AB 1529 (Low)</b>	<b>Telephone medical device services.</b> This bill would specify that a telephone medical advice service is required to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are operating consistent with the laws governing their respective licenses. The bill would specify that a telephone medical advice service is required to comply with all directions and requests for information made by the respective healing arts licensing boards.	<b>Active</b>  3-18-19: Referred to Assembly Committee on Business and Professions.  Hearing Date: 4-2-19	<b>Watch</b>
<b>AB 1622 (Carillo)</b>	<b>Family physicians.</b> This bill would revise the content of the written informed consent statement that must be obtained from a parent or guardian prior to administering general anesthesia or conscious sedation on a minor to include language encouraging the parent or guardian to consult with the child's dentist, pediatrician or family physician as needed.	<b>Active</b>  3-18-19: Referred to Assembly Committee on Business and Professions.  Hearing Date: 4-9-19	<b>Watch</b>

<b>SB 53</b> <b>(Wilk)</b>	<b>Open meetings.</b> This bill would specify that the definition of a “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in their official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.	<b>Active</b>  3-12-19: Do Pass by Senate Committee on Governmental Organization and re-referred to the Senate Committee on Appropriations	<b>Watch</b>
<b>SB 66</b> <b>(Atkins McGuire)</b>	<b>Medi-Cal: federally qualified health center and rural health clinic services.</b> This bill would authorize reimbursement for a maximum of 2 visits taking place on the same day at a single location if after the first visit the patient suffers illness or injury requiring additional diagnosis or treatment, or if the patient has a medical visit and a mental health visit or a dental visit, as defined. The bill would authorize an FQHC or RHC that currently includes the cost of a medical visit and a mental health visit that take place on the same day at a single location as a single visit for purposes of establishing the FQHC’s or RHC’s rate to apply for an adjustment to its per-visit rate, and after the department has approved that rate adjustment, to bill a medical visit and a mental health visit that take place on the same day at a single location as separate visits, in accordance with the bill.	<b>Active</b>  3-29-19: Do pass as amended and re-referred to Senate Committee on Appropriations.  Hearing Date: 4-8-19	<b>Watch</b>
<b>SB 144</b> <b>(Mitchell and Hertzberg)</b>	<b>Fees: criminal fees.</b> (1) Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and diversion programs, collecting restitution orders, processing arrests and citations, administering drug testing, incarcerating inmates, facilitating medical visits, and sealing or expunging criminal records. This bill would repeal the authority to collect these fees, among others. The bill would make the unpaid balance of any court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those	<b>Active</b>  3-27-19: Amended by author and re-referred to the Senate Committee on Rules	<b>Watch</b>

	<p>costs to be vacated. The bill would also prohibit the imposition of trial court filing fees or costs related to the persons underlying criminal conviction.</p> <p>(2) Existing law allows the board of supervisors of any county to establish the office of the public defender and requires the public defender to defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of a crime. Existing law allows the court to hold a hearing to determine whether a defendant owns an interest in real property or other assets and to impose a lien on the property. Upon conclusion of trial, existing law allows the court to make a determination of a defendant's present ability to pay all or a portion of the cost of the public defender. If the court finds that the defendant has the financial ability to pay, existing law requires the court to order the defendant to pay all or a part of the costs the court believes reasonable and compatible with the defendant's financial ability.</p> <p>This bill would delete the authority of the court to impose liens on the defendant's property and make a post-trial determination of the defendant's ability to pay and to order the defendant to pay the costs of the public defender. By requiring a county to provide a public defender without charge to a defendant who may have the ability to pay, this bill would impose a state-mandated local program.</p> <p>(3) Existing law, as added by the Substance Abuse and Crime Prevention Act of 2000, adopted by voters as Proposition 36 at the November 7, 2000, statewide general election, requires that persons convicted of certain nonviolent drug possession offenses be granted probation and be placed in an appropriate drug treatment program. The act allows the trial judge to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program. The act allows its amendment by a statute passed by <math>\frac{2}{3}</math> of both houses of the Legislature and requires that all amendments further the act and be consistent with its purposes.</p>		
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	<p>This bill would amend the act by deleting the authority of the court to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program.</p> <p>(4) Existing law allows the court to impose a civil assessment of up to \$300 against a defendant who fails, after notice and without good cause, to appear in court or who fails to pay all or any portion of a fine ordered by the court. This bill would repeal the authority of the court to impose that assessment.</p> <p>(5) Existing law, the Sexual Predator Punishment and Control Act: Jessica's Law, adopted by voters as Proposition 83 at the November 7, 2006, statewide general election, requires every person paroled after being committed to prison for a registerable sex offense to be monitored by a global positioning system for the term of their parole. The act requires the inmate to pay for the costs associated with the monitoring by a global positioning system unless the Department of Corrections and Rehabilitation finds the inmate has an inability to pay. The act allows its amendment by a statute passed by <math>\frac{2}{3}</math> of both houses of the Legislature. This bill would amend the act by deleting the requirement that a parolee pay for the costs associated with being monitored by a global positioning system.</p> <p>(6) Existing law requires a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage or drug to install an ignition interlock device on the vehicle that person operates. Existing law requires a manufacturer certified to provide ignition interlock devices to adopt a fee schedule for the payment of costs of the device in an amount commensurate with a defendant's ability to pay. Existing law requires that a person subject to this requirement pay a percentage of the cost of the ignition interlock device program, up to the full cost, based on the person's income and to pay a fee to the Department of Motor Vehicles to cover the costs of administering the program.</p>		
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	This bill would delete the requirement that the person pay the costs of the ignition interlock device program and the requirement that the person pay the fee to the department.		
<b>SB 154 (Pan)</b>	<p><b>Medi-Cal: restorative dental services.</b></p> <p>This bill would authorize a provider of services for the treatment of dental caries to provide, and receive reimbursement for, the application of silver diamine fluoride when used as a caries arresting agent, as specified, if the provider first consults with the beneficiary and obtains written informed consent, and if the treatment is included as part of a comprehensive treatment plan, to the extent that federal financial participation is available and any necessary federal approvals have been obtained. The bill would permit a registered dental hygienist in alternative practice who meets the requirements of the bill to bill for the services described in the bill. The bill would limit availability of the described services to specified Medi-Cal beneficiary populations. The bill would authorize the department to implement its provisions by means of all-county letters, provider bulletins, or similar instructions, without taking further regulatory action.</p>	<p><b>Active</b></p> <p>3-20-19: Do Pass by Senate Committee on Health and re-referred to the Senate Committee on Appropriations</p>	<b>Watch</b>
<b>SB 601 (Morrell)</b>	<p><b>State agencies: licenses: fee waiver.</b></p> <p>This bill would authorize any state agency that issues any business license to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes to the satisfaction of the state agency that the person or business has been displaced by a declared emergency, as defined.</p>	<p><b>Active</b></p> <p>3-14-19: Referred to the Senate Committees on Governmental Organization and Business, Professions and Economic Development</p> <p>Hearing Date: 4-9-19</p>	<b>Watch</b>
<b>SB 653 (Chang)</b>	<p><b>Dental hygienists: registered dental hygienist in alternative practice: scope of practice.</b></p> <p>This bill would authorize a registered dental hygienist to perform the functions of a registered dental assistant in a dental or medical setting and would authorize a registered dental hygienist to provide, without supervision, fluoride varnish to a patient. The bill would authorize a registered dental hygienist to provide dental hygiene preventive services and oral screenings in a public health program or in a community-based organization outreach program.</p>	<p><b>Active</b></p> <p>3-27-19: Amended by Author and re-referred to Senate Committee on Rules</p>	<b>Support as amended on March 27, 2019.</b>

	<p>This bill would additionally authorize a registered dental hygienist in alternative practice to perform specified functions and duties of a registered dental hygienist in dental or medical settings and would remove the authorization to practice in certified dental health professional shortage areas. The bill would authorize a registered dental hygienist in alternative practice to perform soft-tissue curettage, administration of local anesthesia, and administration of nitrous oxide and oxygen under the direct supervision of a dentist in the above-specified settings and would remove the general supervision requirement for specified duties in those settings. The bill would also authorize a registered dental hygienist in alternative practice to establish a practice in counties with 10 or fewer Denti-Cal providers accepting new Denti-Cal patients, as provided, and to perform specified duties in their practice without supervision of a dentist.</p>		
<p><b>SB 786</b>  <b>(Senate Committee on Business, Professions and Economic Development)</b></p>	<p><b>Healing arts.</b>  This bill, in the provisions regulating dental hygienists in the Dental Practice Act, would replace all of the references to “hygiene board” with “dental hygiene board.”</p>	<p><b>Active</b></p> <p>3-20-19: Referred to the Senate Committee on Business, Professions and Economic Development</p>	<p><b>Watch</b></p>

Current as of April 1, 2019

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

No. 5

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**Introduced by Assembly Member Gonzalez**

December 3, 2018

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An act to add Section 2750.3 to the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL’S DIGEST

AB 5, as amended, Gonzalez. Worker status: independent contractors.

Existing law, as established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an ~~employee~~. *employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission*. Existing law requires a 3-part test, commonly known as the “ABC” test, to establish that a worker is ~~independent contractor~~. *an independent contractor for those purposes*.

This bill would state the intent of the Legislature to ~~include provisions within this bill would~~ codify the decision in the *Dynamex* case and clarify its application. *The bill would provide that the factors of the “ABC” test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code, unless another definition or specification of “employee” is provided. The bill would codify existing exemptions for specified professions that are not subject to wage orders of the Industrial Welfare Commission or the ruling in the Dynamex case. The bill would state that its provisions do not constitute a change in, but are declaratory of, existing law.*



*The Labor Code makes it a crime for an employer to violate specified provisions of law with regard to an employee. By expanding the definition of an employee for purposes of these provisions, the bill would expand the definition of a crime.*

*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: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) On April 30, 2018, the California Supreme Court issued a  
4 unanimous decision in *Dynamex Operations West, Inc. v. Superior*  
5 *Court of Los Angeles*, (2018) 4 Cal.5th 903.

6 (b) In its decision, the Court cited the harm to misclassified  
7 workers who lose significant workplace protections, the unfairness  
8 to employers who must compete with companies that misclassify,  
9 and the loss to the state of needed revenue from companies that  
10 use misclassification to avoid obligations such as payment of  
11 payroll taxes, payment of premiums for workers compensation,  
12 Social Security, unemployment, and disability insurance.

13 (c) The misclassification of workers as independent contractors  
14 has been a significant factor in the erosion of the middle class and  
15 the rise in income inequality.

16 (d) *It is the intent of the Legislature in enacting this act to*  
17 *include provisions that would codify the decision of the California*  
18 *Supreme Court in *Dynamex Operations West, Inc. v. Superior**  
19 *Court of Los Angeles (2018) 4 Cal.5th 903, and would clarify the*  
20 *decision's application in state law.*

21 SEC. 2. Section 2750.3 is added to the Labor Code, to read:

22 ~~2750.3.—(a) It is the intent of the Legislature in enacting this~~  
23 ~~section to include provisions that would codify the decision of the~~  
24 ~~California Supreme Court in *Dynamex Operations West, Inc. v.*~~

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

No. 62

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**Introduced by Assembly Member Fong**

December 3, 2018

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An act to amend Section 11862 of the Government Code, relating to state government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 62, as amended, Fong. State government: FI\$Cal: transparency.

The Financial Information System for California (FI\$Cal) Act establishes the FI\$Cal system, a single integrated financial management system for the state. Existing law requires that the system include a state transparency component that allows the public to have access to expenditure data using an ~~Internet Web site~~; *internet website*. Existing law limits that public access to information regarding General Fund, special fund, and federal fund expenditure data.

This bill would enact the Budget Transparency Act of 2019. The bill would modify the transparency component of the system described above to require it to have information regarding all state expenditures, including the amount, the type, and a description of each state expenditure. The bill would require the ~~Internet Web site~~ *internet website* to be interactive, searchable, regularly updated, and include specified features, including information on each state ~~expenditure~~; *expenditure*.

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

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

SECTION 1. This act shall be known as the Budget Transparency Act of 2019.

SEC. 2. Section 11862 of the Government Code is amended to read:

11862. (a) In addition to the requirements set forth in the approved FISCAL Project documents, the system shall include a state transparency component that allows the public to have access to information regarding state expenditures, *including, General Fund, special fund, and federal fund expenditure data*, using an ~~Internet-Web~~ *internet website* including all of the following information for each state expenditure:

(1) The name and principal location of each entity or other recipient of the funds.

(2) The amount of the expenditure.

(3) The type of transaction.

(4) The identity of the state department or agency making the expenditure.

(5) The budget program source for the expenditure.

(6) A brief description of the purpose for the expenditure.

(7) A brief description of any item purchased pursuant to the expenditure.

(b) The ~~Internet-Web-site~~ *internet website* described in subdivision (a) shall be interactive, searchable, and regularly updated, and shall include all of the following features:

(1) The ability to search and filter expenditures by each of the categories listed in subdivision (a).

(2) The ability to aggregate data.

(3) The ability to create graphs and charts of data.

(4) The ability to download information obtained through the ~~Internet-Web-site~~ *internet website*.

(c) This section does not require the disclosure of information deemed confidential or otherwise exempt from disclosure under state or federal law.

AMENDED IN ASSEMBLY FEBRUARY 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 71**

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**Introduced by Assembly ~~Member~~ Members Melendez and Kiley**

December 3, 2018

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An act to amend Section 2750.5 of, and to add Section 2750.7 to, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 71, as amended, Melendez. Employment standards: independent contractors and employees.

Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship. Existing law makes it unlawful for a person or employer to avoid employee status for an individual by voluntarily and knowingly misclassifying that individual as an independent contractor. Existing law authorizes the Labor and Workforce Development Agency to take specified actions against violators of these provisions, authorizes civil penalties, and authorizes the Labor Commissioner to enforce those provisions pursuant to administrative authority or by civil suit.

Existing case law establishes a three-part test, known as the “ABC” test, for determining whether a worker is considered an independent contractor for purposes of specified wage orders. Under this test, a worker is properly considered an independent contractor only if the hiring entity establishes; 1) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for performance of the work and in fact; 2) that the worker performs work outside the usual course of the hiring entity’s

business; and 3) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

This bill would, instead, require a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors. The bill would make related, conforming changes.

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 2750.5 of the Labor Code is amended to  
2 read:

3 2750.5. There is a rebuttable presumption affecting the burden  
4 of proof that a worker performing services for which a license is  
5 required pursuant to Chapter 9 (commencing with Section 7000)  
6 of Division 3 of the Business and Professions Code, or who is  
7 performing ~~such~~ those services for a person who is required to  
8 obtain such a license is an employee rather than an independent  
9 contractor.

10 In addition to the factors contained in Section 2750.7, any person  
11 performing any function or activity for which a license is required  
12 pursuant to Chapter 9 (commencing with Section 7000) of Division  
13 3 of the Business and Professions Code shall hold a valid  
14 contractors' license as a condition of having independent contractor  
15 status.

16 For purposes of workers' compensation law, this presumption  
17 is a supplement to the existing statutory definitions of employee  
18 and independent contractor, and is not intended to lessen the  
19 coverage of employees under Division 4 and Division 5.

20 SEC. 2. Section 2750.7 is added to the Labor Code, to read:

21 2750.7. (a) Notwithstanding any other law, a determination  
22 of whether a person is an employee or an independent contractor  
23 for the purposes of this division shall be based on the multifactor  
24 test set forth in *S.G. Borello & Sons, Inc. v. Department of*  
25 *Industrial Relations*.

26 (b) These factors include, but are not limited to, the following:

1 (1) Whether the person to whom service is rendered has the  
2 right to control the manner and means of accomplishing the result  
3 desired, which is the principal factor.

4 (2) Whether the one performing services is engaged in a distinct  
5 occupation or business.

6 (3) The kind of occupation, with reference to whether, in the  
7 locality, the work is usually done under the direction of the  
8 principal or by a specialist without supervision.

9 (4) The skill required in the particular occupation.

10 (5) Whether the principal or the worker supplies the  
11 instrumentalities, tools, and the place of work for the person doing  
12 the work.

13 (6) The length of time for which the services are to be  
14 performed.

15 (7) The method of payment, whether by the time or by the job.

16 (8) The right to discharge at will, without cause.

17 (9) Whether or not the work is part of the regular business of  
18 the principal.

19 (10) Whether or not the parties believe they are creating the  
20 relationship of employer-employee.

21 (c) The individual factors set forth in subdivision (b) above shall  
22 not be applied mechanically as separate tests, but shall be  
23 intertwined.

24 (d) The test set forth in this section shall apply to any  
25 determinations before an administrative agency or court.

AMENDED IN ASSEMBLY MARCH 20, 2019

AMENDED IN ASSEMBLY MARCH 5, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

**No. 193**

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**Introduced by Assembly Member Patterson**  
**(Coauthors: Assembly Members Choi, Gallagher, Lackey, Melendez,**  
**and Voepel)**

(Coauthors: Senators Bates, Morrell, and Nielsen)

January 10, 2019

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An act to amend Sections 7316, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 19010.1 and 19052 of, the Business and Professions Code, ~~and to amend Section 110371 of the Health and Safety Code,~~ relating to professions and vocations.

### LEGISLATIVE COUNSEL'S DIGEST

AB 193, as amended, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. *The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an*

*assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information.* The bill would require the department to report to the Legislature on ~~January~~ March 1, 2023, and every 2 years thereafter, on the department's ~~progress,~~ *progress in conducting its review*, and would require the department to issue a final report to the Legislature no later than ~~January~~ March 1, 2033. The bill would require the biennial reports *to the Legislature to include the assessment information submitted by each board to the department, to identify the professions reviewed,* ~~reviewed by the department,~~ each unnecessary licensing requirement, and the department's recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup.

This bill would delete shampooing another person from the practice of barbering and cosmetology, and would delete the act of applying makeup on another person from the specialty practice of skin care. The bill would require a person who does not hold a barbering or cosmetology license to disclose that fact before the unlicensed person applies makeup to or shampoos the hair of another person.

(3) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer's license.

This bill would delete those provisions requiring licensure of custom upholsterers.

~~(4) The bill would make conforming and other nonsubstantive changes.~~

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



**ASSEMBLY BILL**

**No. 312**

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**Introduced by Assembly Member Cooley  
(Coauthor: Assembly Member Frazier)**

January 29, 2019

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An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, Cooley. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.

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

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

SECTION 1. Chapter 3.6 (commencing with Section 11366) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3.6. REGULATORY REFORM

Article 1. Findings and Declarations

11366. The Legislature finds and declares all of the following:

(a) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500)) requires agencies and the Office of Administrative Law to review regulations to ensure their consistency with law and to consider impacts on the state's economy and businesses, including small businesses.

(b) However, the act does not require agencies to individually review their regulations to identify overlapping, inconsistent, duplicative, or out-of-date regulations that may exist.

(c) At a time when the state's economy is slowly recovering, unemployment and underemployment continue to affect all Californians, especially older workers and younger workers who received college degrees in recent years but are still awaiting their first great job, and with state government improving but in need of continued fiscal discipline, it is important that state agencies systematically undertake to identify, publicly review, and eliminate overlapping, inconsistent, duplicative, or out-of-date regulations, both to ensure they more efficiently implement and enforce laws and to reduce unnecessary and outdated rules and regulations.

Article 2. Definitions

11366.1. For the purposes of this chapter, the following definitions shall apply:

(a) "State agency" means a state agency, as defined in Section 11000, except those state agencies or activities described in Section 11340.9.

1 (b) “Regulation” has the same meaning as provided in Section  
2 11342.600.

3  
4 Article 3. State Agency Duties  
5

6 11366.2. On or before January 1, 2022, each state agency shall  
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations  
9 adopted by that state agency.

10 (b) Identify any regulations that are duplicative, overlapping,  
11 inconsistent, or out of date.

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate  
13 any duplication, overlap, inconsistencies, or out-of-date provisions,  
14 and shall comply with the process specified in Article 5  
15 (commencing with Section 11346) of Chapter 3.5, unless the  
16 addition, revision, or deletion is without regulatory effect and may  
17 be done pursuant to Section 100 of Title 1 of the California Code  
18 of Regulations.

19 (d) Hold at least one noticed public hearing, which shall be  
20 noticed on the internet website of the state agency, for the purposes  
21 of accepting public comment on proposed revisions to its  
22 regulations.

23 (e) Notify the appropriate policy and fiscal committees of each  
24 house of the Legislature of the revisions to regulations that the  
25 state agency proposes to make at least 30 days prior to initiating  
26 the process under Article 5 (commencing with Section 11346) of  
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of  
28 Regulations.

29 (g) (1) Report to the Governor and the Legislature on the state  
30 agency’s compliance with this chapter, including the number and  
31 content of regulations the state agency identifies as duplicative,  
32 overlapping, inconsistent, or out of date, and the state agency’s  
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section  
35 9795 of the Government Code.

36 11366.3. (a) On or before January 1, 2022, each agency listed  
37 in Section 12800 shall notify a department, board, or other unit  
38 within that agency of any existing regulations adopted by that  
39 department, board, or other unit that the agency has determined  
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that  
2 agency.

3 (b) A department, board, or other unit within an agency shall  
4 notify that agency of revisions to regulations that it proposes to  
5 make at least 90 days prior to a noticed public hearing pursuant to  
6 subdivision (d) of Section 11366.2 and at least 90 days prior to  
7 adoption, amendment, or repeal of the regulations pursuant to  
8 subdivision (c) of Section 11366.2. The agency shall review the  
9 proposed regulations and make recommendations to the  
10 department, board, or other unit within 30 days of receiving the  
11 notification regarding any duplicative, overlapping, or inconsistent  
12 regulation of another department, board, or other unit within the  
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state  
15 agency of any existing regulations adopted by that agency that  
16 may duplicate, overlap, or be inconsistent with the state agency's  
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or  
19 undermine in any manner any human health, public or worker  
20 rights, public welfare, environmental, or other protection  
21 established under statute. This chapter shall not be construed to  
22 affect the authority or requirement for an agency to adopt  
23 regulations as provided by statute. Rather, it is the intent of the  
24 Legislature to ensure that state agencies focus more efficiently and  
25 directly on their duties as prescribed by law so as to use scarce  
26 public dollars more efficiently to implement the law, while  
27 achieving equal or improved economic and public benefits.

28  
29 Article 4. Repeal  
30

31 11366.5. This chapter shall remain in effect only until January  
32 1, 2023, and as of that date is repealed, unless a later enacted  
33 statute, that is enacted before January 1, 2023, deletes or extends  
34 that date.

AMENDED IN ASSEMBLY MARCH 20, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

**No. 316**

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**Introduced by Assembly Members Ramos and Robert Rivas**

January 30, 2019

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An act to add Section 14132.235 to the Welfare and Institutions Code, relating to health care.

### LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Ramos. Medi-Cal: benefits: beneficiaries with special dental care needs.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides for a schedule of benefits under the Medi-Cal program, including certain dental services that are referred to as Denti-Cal, services, and dental managed care plans.

This bill would require the department to implement a payment adjustment to Medi-Cal providers who render dental services to Medi-Cal beneficiaries, as specified. *special needs treatment and management benefit, which would be provided for 4 visits in a 12-month period for a Medi-Cal dental program beneficiary with special dental care needs, as defined. The bill would require a Medi-Cal dental program provider to document the need for additional time to treat a Medi-Cal dental program beneficiary with special dental care needs.* The bill would not limit the provision or scope of Medi-Cal benefits covered under existing law. The bill would require the department to seek any necessary approvals from the federal Centers for Medicare

and Medicaid Services to implement the bill. The bill would authorize the department to implement these provisions, by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, and would require the department to subsequently adopt regulations, as specified, by July 1, 2022. The bill would require the department, commencing January 1, 2020, to provide the Legislature with semiannual status reports to the Legislature until regulations have been adopted.

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. (a) ~~Denti-Cal is the~~ The Medi-Cal dental care  
2     ~~component~~ program ~~that~~ was established soon after the 1966  
3     creation of the Medi-Cal program, ~~and it~~ *program. The Medi-Cal*  
4     *dental program* delivers dental services through a fee-for-service  
5     model. Dental services are also provided to beneficiaries enrolled  
6     in Medi-Cal dental managed care plans.

7     (b) According to an audit conducted by the California State  
8     Auditor in 2014, only 43.9 percent of children enrolled in the  
9     ~~Denti-Cal Medi-Cal dental~~ program had seen a dentist in the  
10    previous year—a utilization rate that was the 12th-worst among  
11    states that submitted data to the federal Centers for Medicare and  
12    Medicaid Services. Eleven California counties either did not have  
13    any ~~Denti-Cal Medi-Cal dental~~ program providers or did not have  
14    any providers willing to accept any new patients if the children  
15    received coverage through ~~Medi-Cal~~ *the Medi-Cal dental program*.  
16    Additionally, the Little Hoover Commission found that only 26  
17    percent of eligible California adults with ~~Denti-Cal Medi-Cal~~  
18    *dental* coverage saw a dentist in 2014, according to February 2016  
19    State Department of Health Care Services data.

20    (c) It is widely recognized that people with significant and  
21    chronic medical, physical, mental, behavioral, or developmental  
22    conditions or disabilities have greater challenges obtaining dental  
23    services and maintaining good oral health than other individuals.  
24    Providing care for these individuals very often requires treating  
25    providers to spend additional time and furnish other resources to  
26    deliver dental services. ~~Denti-Cal's~~ *The Medi-Cal dental program's*  
27    current reimbursement structure is based on a healthier population,

**ASSEMBLY BILL**

**No. 476**

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**Introduced by Assembly Member Blanca Rubio**

February 12, 2019

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An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

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. This act shall be known as the California
- 2 Opportunity Act of 2019.
- 3 SEC. 2. Section 110.5 is added to the Business and Professions
- 4 Code, to read:
- 5 110.5. (a) The Department of Consumer Affairs shall create
- 6 a task force to study, and write the report described in subdivision
- 7 (c) regarding, the licensing of foreign-trained professionals with
- 8 the goal of integrating foreign-trained professionals into the state's
- 9 workforce.
- 10 (b) The task force shall consist of the following 15 members:
- 11 (1) The Director of Consumer Affairs, or the director's designee,
- 12 who shall serve as the chair of the task force.
- 13 (2) One member appointed by the Governor.
- 14 (3) One member appointed by the President pro Tempore of the
- 15 Senate.
- 16 (4) One member appointed by the Speaker of the Assembly.
- 17 (5) One member of the Regents of the University of California.
- 18 (6) One member of the Trustees of the California State
- 19 University.
- 20 (7) One member of the Board of Governors of the California
- 21 Community Colleges.
- 22 (8) Four members appointed by the Governor who are
- 23 representatives of the private sector from diverse regions in the
- 24 state.
- 25 (9) Four members appointed by the Governor who are
- 26 representatives of nonprofit organizations that serve the immigrant
- 27 community from diverse regions in the state.
- 28 (c) (1) The task force shall write a report of its findings and
- 29 recommendations regarding the licensing of foreign-trained
- 30 professionals, that include, but are not limited to, the following:



1 (A) Strategies to integrate foreign-trained professionals and  
2 methods of implementing those strategies, including those  
3 recommended by the Little Hoover Commission in its October  
4 2016 report entitled Jobs for Californians: Strategies to Ease  
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that  
7 potentially pose unnecessary barriers to practice for foreign-trained  
8 professionals, corresponding changes to state licensing  
9 requirements, and opportunities to advocate for corresponding  
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts  
12 to integrate foreign-trained professionals into the workforce in  
13 other states.

14 (2) The task force may include in the report guidelines for full  
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from  
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in  
19 subdivision (c) to the Legislature no later than January 1, 2021,  
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.  
23 The task force shall meet at least once in northern California, once  
24 in central California, and once in southern California to facilitate  
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a  
27 quorum. Task force meetings shall be held in accordance with the  
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred  
32 dollars (\$100) for each day actually spent in the discharge of  
33 official duties, and shall be reimbursed for traveling and other  
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee  
36 shall not receive per diem salary compensation for serving on the  
37 task force on any day when the officer or employee also received  
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
- 2 government agencies, stakeholders, and the public, including, but
- 3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
- 5 (B) The California Workforce Development Board.
- 6 (C) The Department of Industrial Relations.
- 7 (D) In- and out-of-state licensing entities.
- 8 (E) Professional associations.
- 9 (F) Labor and workforce organizations.

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 544**

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**Introduced by Assembly Member Brough**

February 13, 2019

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~~An act to amend Section 4073 of the Business and Professions Code, relating to healing arts. An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL’S DIGEST

AB 544, as amended, Brough. ~~Prescriptions.~~ *Professions and vocations: inactive license fees and accrued and unpaid renewal fees.*

*Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit.*

*This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.*

**ASSEMBLY BILL**

**No. 613**

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**Introduced by Assembly Member Low**

February 14, 2019

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An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

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

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

SECTION 1. Section 101.1 is added to the Business and Professions Code, to read:

101.1. (a) Notwithstanding any other law, no more than once every four years, any board listed in Section 101 may increase any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding four years in accordance with the following:

(1) The board shall provide its calculations and proposed fee, rounded to the nearest whole dollar, to the director and the director shall approve the fee increase unless any of the following apply:

(A) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.

(B) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.

(C) The director determines that the fee increase would be injurious to the public health, safety, or welfare.

(2) The adjustment of fees and publication of the adjusted fee list is not subject 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.

(b) For purposes of this section, "fee" includes any fees authorized to be imposed by a board for regulatory costs. "Fee" does not include administrative fines, civil penalties, or criminal penalties.

**ASSEMBLY BILL****No. 744**

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**Introduced by Assembly Member Aguiar-Curry**February 19, 2019

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An act to amend Section 2290.5 of the Business and Professions Code, to amend Section 1374.13 of, and to add Sections 1341.46 and 1374.14 to, the Health and Safety Code, to amend Section 10123.85 of, and to add Section 10123.855 to, the Insurance Code, and to amend Section 14132.725 of the Welfare and Institutions Code, relating to healthcare coverage.

## LEGISLATIVE COUNSEL'S DIGEST

AB 744, as introduced, Aguiar-Curry. Healthcare coverage: telehealth.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive healthcare services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teleophthalmology, teledermatology, and teledentistry by store and forward. Existing law requires a Medi-Cal patient receiving teleophthalmology, teledermatology, or teledentistry by store and forward to be notified of the right to receive interactive communication with a distant specialist physician, optometrist, or dentist, and authorizes a patient to request that interactive communication.

This bill would delete those interactive communication provisions.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans

by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law prohibits a health care service plan or health insurer from requiring that in-person contact occur between a healthcare provider and a patient, and from limiting the type of setting where services are provided, before payment is made for covered services provided appropriately through telehealth services.

This bill would require a contract issued, amended, or renewed on or after January 1, 2020, between a health care service plan and a healthcare provider for the provision of healthcare services to an enrollee or subscriber, or a contract issued, amended, or renewed on or after January 1, 2020, between a health insurer and a healthcare provider for an alternative rate of payment to specify that the health care service plan or health insurer reimburse a healthcare provider for the diagnosis, consultation, or treatment of an enrollee, subscriber, insured, or policyholder delivered through telehealth services on the same basis and to the same extent that the health care service plan or health insurer is responsible for reimbursement for the same service through in-person diagnosis, consultation, or treatment. The bill would authorize a health care service plan or health insurer to offer a contract or policy containing a deductible, copayment, or coinsurance requirement for a healthcare service delivered through telehealth services, subject to specified limitations. The bill would prohibit a health care service plan contract or policy or health insurance issued, amended, or renewed on or after January 1, 2020, from imposing an annual or lifetime dollar maximum for telehealth services, and would prohibit those contracts and policies from imposing a deductible, copayment, or coinsurance, or a plan year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed on all terms and services covered under the contract.

This bill would authorize the Director of the Department of Managed Health Care or the Insurance Commissioner to assess an administrative penalty by order, after appropriate notice and opportunity for hearing, if the director or commissioner determines that a health care service plan or health insurer has failed to comply with those provisions. The bill would create the Managed Care Penalty Account, within the Managed Care Administrative Fines and Penalties Fund, subject to appropriation by the Legislature, into which administrative penalties for a health care service plan's violations of those provisions would be

deposited. The bill would specify that administrative penalties assessed against a health insurer be deposited into the Insurance Fund. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 2290.5 of the Business and Professions  
2 Code is amended to read:  
3 2290.5. (a) For purposes of this division, the following  
4 definitions shall apply:  
5 (1) ~~“Asynchronous store and forward” means the transmission~~  
6 ~~of a patient’s medical information from an originating site to the~~  
7 ~~health care provider at a distant site without the presence of the~~  
8 ~~patient.~~  
9 (2)  
10 (1) “Distant site” means a site where a ~~health care~~ *healthcare*  
11 ~~provider who provides health care~~ *healthcare* services is located  
12 while providing these services via a telecommunications system.  
13 (3) ~~“Health care~~  
14 (2) “*Healthcare* provider” means either of the following:  
15 (A) A person who is licensed under this division.  
16 (B) An associate marriage and family therapist or marriage and  
17 family therapist trainee functioning pursuant to Section 4980.43.3.  
18 (4)  
19 (3) “Originating site” means a site where a patient is located at  
20 the time ~~health care~~ *healthcare* services are provided via a  
21 telecommunications system or where the ~~asynchronous~~ store and  
22 forward service originates.  
23 (4) “*Store and forward*” means the transmission of a patient’s  
24 medical information from an originating site to the *healthcare*  
25 provider at a distant site.



(5) “Synchronous interaction” means a real-time interaction between a patient and a ~~health-care~~ *healthcare* provider located at a distant site.

(6) “Telehealth” means the mode of delivering ~~health-care~~ *healthcare* services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s ~~health-care~~ *healthcare* while the patient is at the originating site and the ~~health-care~~ *healthcare* provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) ~~Prior to~~ *Before* the delivery of ~~health-care~~ *healthcare* via telehealth, the ~~health-care~~ *healthcare* provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering ~~health-care~~ *healthcare* services and public health. The consent shall be documented.

(c) ~~Nothing in this section shall~~ *This section does not* preclude a patient from receiving in-person ~~health-care~~ *healthcare* delivery services during a specified course of ~~health-care~~ *healthcare* and treatment after agreeing to receive services via telehealth.

(d) The failure of a ~~health-care~~ *healthcare* provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of ~~any health-care~~ *a healthcare* provider or authorize the delivery of ~~health-care~~ *healthcare* services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of ~~health-care~~ *healthcare* information and a patient’s rights to ~~his or her~~ *the patient’s* medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other ~~provision of~~ law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth

**ASSEMBLY BILL**

**No. 768**

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**Introduced by Assembly Member Brough**

February 19, 2019

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An act to amend Sections 163 and 163.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 768, as introduced, Brough. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards, as defined, within the Department of Consumer Affairs. Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150.

This bill would instead authorize the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

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 163 of the Business and Professions Code  
2 is amended to read:

3     163. Except as otherwise expressly provided by law, the  
4 department and each board in the department ~~shall~~ *may* charge a  
5 fee ~~of not to exceed~~ two dollars (\$2) for the certification of a copy  
6 of any record, document, or paper in its custody or for the  
7 certification of any document evidencing the content of any such  
8 record, ~~document~~ *document*, or paper.

9     SEC. 2. Section 163.5 of the Business and Professions Code  
10 is amended to read:

11     163.5. Except as otherwise provided by law, the delinquency,  
12 penalty, or late fee for any licensee within the Department of  
13 Consumer Affairs shall be 50 percent of the renewal fee for ~~such~~  
14 *that* license in effect on the date of the renewal of the license, ~~but~~  
15 ~~not less than twenty-five dollars (\$25) nor more than~~ *but shall not*  
16 *exceed* one hundred fifty dollars (\$150).

17     A delinquency, penalty, or late fee shall not be assessed until 30  
18 days have elapsed from the date that the licensing agency mailed  
19 a notice of renewal to the licensee at the licensee's last known  
20 address of record. The notice shall specify the date for timely  
21 renewal, and that failure to renew in a timely fashion shall result  
22 in the assessment of a delinquency, penalty, or late fee.

23     In the event a reinstatement or like fee is charged for the  
24 reinstatement of a license, the reinstatement fee shall be 150 percent  
25 of the renewal fee for such license in effect on the date of the  
26 reinstatement of the license, but not more than twenty-five dollars  
27 (\$25) in excess of the renewal fee, except that in the event that  
28 such a fee is fixed by statute at less than 150 percent of the renewal  
29 fee and less than the renewal fee plus twenty-five dollars (\$25),  
30 the fee so fixed shall be charged.

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

**No. 862**

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**Introduced by Assembly Member Kiley**

February 20, 2019

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An act to ~~amend~~ *add* Section ~~475~~ of 494.7 to the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL’S DIGEST

AB 862, as amended, Kiley. ~~Professional licenses. Professions and vocations: license revocation and suspension: student loan default.~~

*Existing law provides for the licensure and regulation of various professions and vocations by the Department of Consumer Affairs and its boards, and provides for the denial, suspension, and revocation of licenses for specified conduct.*

*This bill would, notwithstanding any law, prohibit the department or a board under the department’s jurisdiction from revoking or suspending a license because the licensee is delinquent, or has defaulted, on a student loan.*

~~Existing law governs the denial, suspension, and revocation of certain professional licenses for specified conduct.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

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

- 1 *SECTION 1. Section 494.7 is added to the Business and*
- 2 *Professions Code, to read:*

1     494.7. *Notwithstanding any other law, neither the Department*  
2 *of Consumer Affairs, nor any board under the department's*  
3 *jurisdiction, shall revoke or suspend a license on the grounds that*  
4 *the licensee is delinquent, or has defaulted, on a student loan.*

5     SECTION 1. ~~Section 475 of the Business and Professions Code~~  
6 ~~is amended to read:~~

7     475. ~~(a) Notwithstanding any other provisions of this code,~~  
8 ~~this division shall govern the denial of licenses on the grounds of:~~

9     ~~(1) Knowingly making a false statement of material fact, or~~  
10 ~~knowingly omitting to state a material fact, in an application for~~  
11 ~~a license.~~

12     ~~(2) Conviction of a crime.~~

13     ~~(3) Commission of any act involving dishonesty, fraud, or deceit~~  
14 ~~with the intent to substantially benefit oneself or another, or~~  
15 ~~substantially injure another.~~

16     ~~(4) Commission of any act which, if done by a licensee of the~~  
17 ~~business or profession in question, would be grounds for suspension~~  
18 ~~or revocation of license.~~

19     ~~(b) Notwithstanding any other provisions of this code, this~~  
20 ~~division shall govern the suspension and revocation of licenses on~~  
21 ~~grounds specified in paragraphs (1) and (2) of subdivision (a).~~

22     ~~(c) A license shall not be denied, suspended, or revoked on the~~  
23 ~~grounds of a lack of good moral character or any similar ground~~  
24 ~~relating to an applicant's character, reputation, personality, or~~  
25 ~~habits.~~

**ASSEMBLY BILL**

**No. 931**

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**Introduced by Assembly Member Boerner Horvath**  
(Coauthor: Senator Skinner)

February 20, 2019

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An act to add Section 11142 to, and to add Chapter 11.5 (commencing with Section 54977) to Part 1 of Division 2 of Title 5 of, the Government Code, relating to government boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 931, as introduced, Boerner Horvath. State and local boards and commissions: representation: appointments.

Existing law establishes various boards and commissions within state government. Under existing law, it is the policy of the State of California that the composition of these state boards and commissions broadly reflect the general public, including ethnic minorities and women. Under existing law, the Governor and other appointing authorities are responsible for nominating to these boards and commissions persons of different backgrounds, abilities, interests, and opinions.

Existing law also establishes the policy of the Legislature to ensure equal access to specific information about the many local regulating and advisory boards, commissions, and committees and to ensure equal opportunity to be informed of vacancies on those boards. Existing law requires each legislative body of a local agency to prepare an appointments list of all regular and ongoing boards, commissions, and committees that are appointed by the legislative body of the local agency.

This bill, on and after January 1, 2025, would require the composition of each state and local board and commission with appointed members

to have a specified minimum number of women board members or commissioners based on the total number of board members or commissioners on that board. The bill would also require the office of the Governor, with respect to those boards and commissions, to collect and release, annually, at a minimum, aggregated demographic data provided by state and local board and commission applicants, nominees, and appointees.

This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities and counties, including charter cities and counties.

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. The Legislature finds and declares as follows:
- 2 (a) Appointed commission members and board members at both
- 3 the state and local government level have the power to make
- 4 important decisions impacting the daily lives, opportunities, and
- 5 the future welfare of those living and working throughout various
- 6 regions of the state.
- 7 (b) The policy decisions taken by board and commission
- 8 members with respect to the programs and services they oversee
- 9 often have a direct and substantial impact on social, economic,
- 10 and gender equality.
- 11 (c) Access to board and commission membership frequently
- 12 establishes a pathway to other governmental leadership positions.
- 13 (d) Research, however, shows that decisionmaking bodies in
- 14 certain geographic areas of California are comprised
- 15 disproportionately of white males from privileged socioeconomic
- 16 backgrounds.
- 17 (e) For instance, an August 2018 report by the Center on Policy
- 18 Initiatives entitled “Community Representation Report: Boards
- 19 and Commissions in the San Diego Region” concluded that the
- 20 five entities it studied were disproportionately White, male,
- 21 economically advantaged, and professionally or politically
- 22 connected to the established power structure.
- 23 (f) It is critical to have boards and commissions comprised of
- 24 those who more accurately reflect the gender make up of California

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 954**

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**Introduced by Assembly Member Wood**

February 21, 2019

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An act to add Section 1374.193 to the Health and Safety Code, and to add Section 10120.4 to the Insurance Code, relating to dental services.

LEGISLATIVE COUNSEL’S DIGEST

AB 954, as amended, Wood. Dental services: third-party network access.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law authorizes a health care service plan or health insurer to contract with a provider for alternative rates of payment, and requires a plan or insurer to continuously review the quality of care and performance of providers contracting for alternative rates of payment. Existing law requires a health care service plan or health insurer to publish and maintain a directory of contracting providers.

This bill would ~~generally prohibit~~ *authorize* a health care service plan or health insurer that issues, sells, renews, or offers a contract or policy covering dental services, including a specialized health care service plan contract or specialized policy of health insurance, or a contracting entity, as defined, ~~from granting a~~ *to grant* third party access to a provider network contract entered into, amended, or renewed on or after January 1, 2020, or access to services or discounts provided pursuant



to that provider network contract. ~~The bill would permit third-party access~~ *contract* if certain criteria are met, including if a health care services plan's or health insurer's provider network contract clearly identifies the third-party access provision and the provider network contract allows a provider to opt out of third-party access. The bill would specify that a provider is not bound by or required to perform dental treatment or services under a provider network contract granted to a third party in violation of these provisions. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 1374.193 is added to the Health and
- 2 Safety Code, to read:
- 3 1374.193. (a) A health care service plan that issues, sells,
- 4 renews, or offers a plan contract covering dental services, including
- 5 a specialized health care service plan contract covering dental
- 6 services, or a contracting entity ~~shall not grant a~~ *may grant* third
- 7 party access to a provider network contract, or a provider's dental
- 8 services or contractual discounts provided pursuant to a provider
- 9 network ~~contract.~~ *contract if the requirements of subdivisions (b)*
- 10 *and (c) are met.*
- 11 (b) ~~Notwithstanding subdivision (a), a~~ A health care service plan
- 12 that issues, sells, renews, or offers a plan contract covering dental
- 13 services may grant a third party access to a provider network
- 14 contract if, at the time the provider network contract is entered
- 15 into, amended, or renewed, *or a notice is sent to a health care*
- 16 *provider, as required under Section 1375.7,* the provider network
- 17 contract allows a provider to choose not to participate in third-party
- 18 access to the provider network contract. The third-party access
- 19 provision of the provider network contract shall be clearly
- 20 identified. A plan shall not grant third-party access to the provider

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1076**

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**Introduced by Assembly Member Ting**

February 21, 2019

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An act to add Sections 851.93 and 1203.425 to the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL’S DIGEST

AB 1076, as amended, Ting. Criminal records: automatic relief.

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, a person who has successfully completed a specified deferred entry of judgment program, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person’s arrest record. Under existing law, if a defendant successfully completes certain diversion programs, the arrest for the crime for which the defendant was diverted is deemed to have never occurred.

Existing law authorizes a defendant to petition to withdraw the defendant’s plea of guilty or nolo contendere and enter a plea of not guilty, if the defendant has fulfilled the conditions of probation, or if other specified circumstances are met, and the defendant is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of

a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill would, commencing January 1, 2021, require the Department of Justice, on a weekly basis, to review the records in the ~~state summary criminal history information database~~ *statewide criminal justice databases* and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.

The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to *electronically* submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.

The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

*The bill would require the Department of Justice to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified.*

*The bill would require a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.*

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 851.93 is added to the Penal Code, to
- 2 read:
- 3 851.93. (a) (1) On a weekly basis, the Department of Justice
- 4 shall review the records in the ~~state summary criminal history~~

1 ~~information database and shall identify persons who are eligible~~  
2 ~~for relief in their arrest records pursuant to Section 851.87, 851.90,~~  
3 ~~851.91, 1000.4, or 1001.9, and whose arrests meet the conditions~~  
4 ~~described in paragraph (2): statewide criminal justice databases,~~  
5 ~~and based on information in the Automated Criminal History~~  
6 ~~System, shall identify persons with records of arrest that meet the~~  
7 ~~criteria set forth in paragraph (2) and are eligible for arrest record~~  
8 ~~relief.~~

9 (2) A person is eligible for relief pursuant to this section, if the  
10 ~~underlying arrest shall meet all~~ *meets* any of the following  
11 conditions:

12 ~~(A) Either of the following criteria is met:~~

13 (A) *The arrest was for a misdemeanor offense and the charge*  
14 *was dismissed.*

15 (i)

16 (B) ~~The arrest is~~ *was for a misdemeanor offense, and at least*  
17 *one calendar year has elapsed since the date of the arrest, arrest,*  
18 *and no conviction occurred, or the arrestee was acquitted of any*  
19 *charges that arose, from that arrest.*

20 (ii)

21 (C) ~~The arrest is~~ *was for a felony offense an offense that is*  
22 *punishable by imprisonment pursuant to paragraph (1) or (2) of*  
23 *subdivision (h) of Section 1170, and at least three calendar years*  
24 *have elapsed since the date of the arrest, arrest, and no conviction*  
25 *occurred, or the arrestee was acquitted of any charges arising*  
26 *from, that arrest.*

27 ~~(B) A criminal conviction did not result based on the arrest.~~

28 (C) ~~Nothing in the arrest record indicates that proceedings~~  
29 ~~seeking conviction remain pending.~~

30 (D) *The person successfully completed any of the following,*  
31 *relating to that arrest:*

32 (i) *A prefiling diversion program, as defined in Section 851.87,*  
33 *administered by a prosecuting attorney in lieu of filing an*  
34 *accusatory pleading.*

35 (ii) *A drug diversion program administered by a superior court*  
36 *pursuant to Section 1000.5, or a deferred entry of judgment*  
37 *program pursuant to Section 1000 or 1000.8.*

38 (iii) *A pretrial diversion program, pursuant to Section 1000.4.*

39 (iv) *A diversion program, pursuant to Section 1001.9.*

(v) Any diversion program described in Chapters 2.8 (commencing with Section 1001.20), 2.8A (commencing with Section 1001.35), 2.9 (commencing with Section 1001.50), 2.9A (commencing with Section 1001.60), 2.9B (commencing with Section 1001.70), 2.9C (commencing with Section 1001.80), or 2.9D (commencing with Section 1001.81), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief.

~~(2) Section 851.92 does not apply to relief granted pursuant to this section.~~

~~(3)~~

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, ~~and this section, and the section pursuant to which the relief was granted.~~ section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) (1) On a weekly basis, the department shall *electronically* submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted pursuant to this section. The court shall not disclose information concerning an arrest that is granted relief pursuant to this section to any person or entity, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(2) The department shall not disclose information concerning an arrest that is granted relief pursuant to this section to a board, as defined in Section 22 of the Business and Professions Code.

(d) ~~(1) Relief granted pursuant to this section is subject to the following conditions: does~~

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a

1 questionnaire or application for employment as a peace officer, as  
2 defined in Section 830.

3 (2) Relief granted pursuant to this section has no effect on the  
4 ability of a criminal justice agency, as defined in Section 851.92,  
5 to access and use records that are granted ~~relief~~. *relief to the same*  
6 *extent that would have been permitted for a criminal justice agency*  
7 *had relief not been granted.*

8 (3) Relief granted pursuant to this section does not affect a  
9 person's authorization to own, possess, or have in the person's  
10 custody or control any firearm, or the person's susceptibility to  
11 conviction under Chapter 2 (commencing with Section 29800) of  
12 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect  
13 this authorization or susceptibility.

14 (4) Relief granted pursuant to this section does not affect any  
15 prohibition from holding public office that would otherwise apply  
16 under law as a result of the arrest.

17 (5) *Relief granted pursuant to this section is subject to the*  
18 *provisions of Section 11105.*

19 (e) This section shall not limit petitions, motions, or orders for  
20 arrest record relief, as required or authorized by any other law,  
21 including, but not limited to, Sections 851.87, 851.90, 851.91,  
22 1000.4, and 1001.9.

23 (f) *The department shall annually publish statistics regarding*  
24 *the total number of arrests granted relief pursuant to this section,*  
25 *by county, on the OpenJustice Web portal, as defined in Section*  
26 *13010.*

27 (f)

28 (g) This section shall be operative commencing January 1, 2021.

29 SEC. 2. Section 1203.425 is added to the Penal Code,  
30 immediately following Section 1203.42, to read:

31 1203.425. (a) (1) On a weekly basis, the Department of Justice  
32 shall review the records in ~~the state summary criminal history~~  
33 ~~information database and shall identify persons who are eligible~~  
34 ~~for relief in their criminal conviction records pursuant to Section~~  
35 ~~1203.4, 1203.4a, 1203.41, or 1203.42. the statewide criminal justice~~  
36 ~~databases, and based on information in the Automated Criminal~~  
37 ~~History System and the Supervised Release File, shall identify~~  
38 ~~persons with convictions that meet the criteria set forth in~~  
39 ~~paragraph (2) and are eligible for automatic conviction record~~  
40 ~~relief.~~

1     (2) A person is eligible for automatic conviction relief pursuant  
2 to this section if they meet all of the following conditions:

3     (A) The person is not required to register pursuant to Section  
4 290.

5     (B) The person is not under active local, state, or federal  
6 supervision, according to the Supervised Release File.

7     (C) The person is not currently serving a sentence for any  
8 offense and does not have any pending criminal charges.

9     (D) The conviction meets one of the following criteria:

10    (i) The defendant was sentenced to probation and has completed  
11 their term of probation without revocation.

12    (ii) The defendant was convicted of an infraction or  
13 misdemeanor and was not granted probation, has completed their  
14 sentence or paid their fine, and at least one calendar year has  
15 elapsed since the date of judgment.

16    (iii) The defendant was sentenced pursuant to subparagraph  
17 (B) of paragraph (5) of subdivision (h) of Section 1170, and one  
18 year has elapsed following the completion of sentence, or, the  
19 defendant was sentenced pursuant to subparagraph (A) of  
20 paragraph (5) of subdivision (h) of Section 1170, and two years  
21 has elapsed following the completion of sentence.

22    (iv) The defendant was sentenced before January 1, 2012 for a  
23 crime which, on or after January 1, 2012, would have been eligible  
24 for sentencing pursuant to subdivision (h) of Section 1170, and  
25 two years have elapsed following the defendant's completion of  
26 the sentence.

27    (b) (1) Except as specified in subdivision (g), the department  
28 shall grant relief, including dismissal of a conviction, to a person  
29 identified pursuant to subdivision (a), without requiring a petition  
30 or motion by a party for that relief.

31    (2) The state summary criminal history information shall  
32 include, directly next to or below the entry or entries regarding the  
33 person's criminal record, a note stating "relief granted," listing the  
34 date that the department granted relief, relief and this section, and  
35 the section pursuant to which the relief was granted. section. This  
36 note shall be included in all statewide criminal databases with a  
37 record of the conviction.

38    (3) Except as otherwise provided in subdivision (d) and in  
39 Section 13555 of the Vehicle Code, a person granted conviction  
40 relief pursuant to this section shall be released from all penalties

1 *and disabilities resulting from the offense of which he or she has*  
2 *been convicted.*

3 (c) (1) On a weekly basis, the department shall *electronically*  
4 submit a notice to the superior court having jurisdiction over the  
5 criminal case, informing the court of all cases for which relief was  
6 granted pursuant to this section. The court shall not disclose  
7 information concerning a conviction granted relief pursuant to this  
8 section to any person or entity, except to the person whose  
9 conviction was granted relief or a criminal justice agency, as  
10 defined in Section 851.92.

11 (2) The department shall not disclose information concerning  
12 a criminal conviction record that is granted relief pursuant to this  
13 section to a board, as defined in Section 22 of the Business and  
14 Professions Code.

15 (d) ~~(4)~~ Relief granted pursuant to this section *is subject to the*  
16 *following conditions:* ~~does~~

17 (1) *Relief granted pursuant to this section does not relieve a*  
18 *person of the obligation to disclose a criminal conviction in*  
19 *response to a direct question contained in a questionnaire or*  
20 *application for employment as a peace officer, as defined in Section*  
21 *830.*

22 (2) *Relief granted pursuant to this section does not relieve a*  
23 *person of the obligation to disclose the conviction in response to*  
24 *any direct question contained in any questionnaire or application*  
25 *for public office, for licensure by any state or local agency, or for*  
26 *contracting with the California State Lottery Commission.*

27 ~~(2)~~

28 (3) Relief granted pursuant to this section has no effect on the  
29 ability of a criminal justice agency, as defined in Section 851.92,  
30 to access and use records that are granted ~~relief~~. *relief to the same*  
31 *extent that would have been permitted for a criminal justice agency*  
32 *had relief not been granted.*

33 ~~(3)~~

34 (4) Relief granted pursuant to this section does not affect a  
35 person's authorization to own, possess, or have in the person's  
36 custody or control any firearm, or the person's susceptibility to  
37 conviction under Chapter 2 (commencing with Section 29800) of  
38 Division 9 of Title 4 of Part 6, if the criminal conviction would  
39 otherwise affect this authorization or susceptibility.

40 ~~(4)~~



1 (5) Relief granted pursuant to this section does not affect any  
2 prohibition from holding public office that would otherwise apply  
3 under law as a result of the criminal conviction.

4 (6) *In any subsequent prosecution of the defendant for any other*  
5 *offense, the prior conviction may be pleaded and proved and shall*  
6 *have the same effect as if the relief had not been granted.*

7 (e) This section shall not limit petitions, motions, or orders for  
8 relief in a criminal case, as required or authorized by any other  
9 law, including, but not limited to, Sections 1203.4, 1203.4a,  
10 1203.41, and 1203.42.

11 (f) *The department shall annually publish statistics regarding*  
12 *the total number of convictions granted relief pursuant to this*  
13 *section, and the total number of convictions prohibited from*  
14 *automatic relief pursuant to subdivision (h), by county, on the*  
15 *OpenJustice Web portal, as defined in Section 13010.*

16 ~~(f)~~

17 (g) Subdivisions (a) to ~~(e)~~, (g) inclusive, shall be operative  
18 commencing January 1, 2021.

19 ~~(g)~~

20 (h) No later than 90 calendar days before the date of a person's  
21 eligibility for relief pursuant to ~~Section 1203.4, 1203.4a, 1203.41,~~  
22 ~~or 1203.42,~~ *this section*, the prosecuting attorney *or probation*  
23 *department* may file a motion to prohibit the department from  
24 granting automatic relief pursuant to this section. If the court grants  
25 that motion, the department shall not grant relief pursuant to this  
26 section, but the person may continue to be eligible for relief  
27 pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42.

28 (i) *At the time of sentencing, the court shall advise a defendant,*  
29 *either orally or in writing, of the provisions of this section and of*  
30 *the defendant's right, if any, to petition for a certificate of*  
31 *rehabilitation and pardon.*

**ASSEMBLY BILL**

**No. 1271**

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**Introduced by Assembly Member Diep**

February 21, 2019

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An act relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 1271, as introduced, Diep. Licensing examinations: report.

Existing law provides for the licensure and regulation of professions and vocations by various boards that comprise the Department of Consumer Affairs.

This bill would require the department, on or before January 1, 2021, to provide a report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development that contains specified information relating to licensing examinations for each licensed profession and vocation under the department’s jurisdiction.

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. The intent of the Legislature in enacting this act
- 2 is to seek opportunities to reduce barriers to professional licensing
- 3 by eliminating licensing examinations that are found largely to
- 4 duplicate already required formal education and training.
- 5 SEC. 2. On or before January 1, 2021, the Department of
- 6 Consumer Affairs shall provide a report to the Assembly
- 7 Committee on Business and Professions and the Senate Committee

**ASSEMBLY BILL**

**No. 1519**

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**Introduced by Committee on Business and Professions**

February 22, 2019

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An act to amend Sections 1601.1 and 1616.5 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as introduced, Committee on Business and Professions. Healing arts: Dental Board of California.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to the executive officer. These provisions are in effect only until January 1, 2020, and, upon repeal of those provisions, the board will be subject to review by the appropriate policy committees of the Legislature.

This bill would extend the provisions relating to the Dental Board of California and the executive officer to January 1, 2024.

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

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

- 1 SECTION 1. Section 1601.1 of the Business and Professions
- 2 Code is amended to read:
- 3 1601.1. (a) There shall be in the Department of Consumer
- 4 Affairs the Dental Board of California in which the administration
- 5 of this chapter is vested. The board shall consist of eight practicing

1 dentists, one registered dental hygienist, one registered dental  
2 assistant, and five public members. Of the eight practicing dentists,  
3 one shall be a member of a faculty of any California dental college,  
4 and one shall be a dentist practicing in a nonprofit community  
5 clinic. The appointing powers, described in Section 1603, may  
6 appoint to the board a person who was a member of the prior board.  
7 The board shall be organized into standing committees dealing  
8 with examinations, enforcement, and other subjects as the board  
9 deems appropriate.

10 (b) For purposes of this chapter, any reference in this chapter  
11 to the Board of Dental Examiners shall be deemed to refer to the  
12 Dental Board of California.

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

16 (d) This section shall remain in effect only until January 1, 2020,  
17 2024, and as of that date is repealed, unless a later enacted statute,  
18 that is enacted before January 1, 2020, deletes or extends that date.  
19 repealed. Notwithstanding any other law, the repeal of this section  
20 renders the board subject to review by the appropriate policy  
21 committees of the Legislature.

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

24 1616.5. (a) The board, by and with the approval of the director,  
25 may appoint a person exempt from civil service who shall be  
26 designated as an executive officer and who shall exercise the  
27 powers and perform the duties delegated by the board and vested  
28 in him or her the executive officer by this chapter.

29 (b) This section shall remain in effect only until January 1, 2020,  
30 2024, and as of that date is repealed, unless a later enacted statute,  
31 that is enacted before January 1, 2020, deletes or extends that date.  
32 repealed.

**ASSEMBLY BILL**

**No. 1529**

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**Introduced by Assembly Member Low**

February 22, 2019

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An act to amend Section 4999.2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1529, as introduced, Low. Telephone medical advice services.

Existing law requires a telephone medical advice service, as defined, to be responsible for complying with, among other requirements, ensuring that all health care professionals who provide medical advice services are appropriately licensed, certified, or registered, as specified. Existing law requires the respective healing arts licensing board to be responsible for enforcing specified provisions related to telephone medical advice services.

Existing law requires a telephone medical advice service to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are licensed, registered, or certified in the state within which they are providing the telephone medical advice services and are operating consistent with the laws governing their respective scopes of practice. Existing law further requires a telephone medical advice service to comply with all directions and requests for information made by the Department of Consumer Affairs.

This bill would specify that a telephone medical advice service is required to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are operating consistent with the laws governing their respective licenses. The bill would specify that a telephone medical advice service is

required to comply with all directions and requests for information made by the respective healing arts licensing boards.

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

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

- 1 SECTION 1. Section 4999.2 of the Business and Professions  
2 Code is amended to read:  
3 4999.2. A telephone medical advice service shall be responsible  
4 for complying with the following requirements:  
5 (a) (1) Ensuring that all health care professionals who provide  
6 medical advice services are appropriately licensed, certified, or  
7 registered as a physician and surgeon pursuant to Chapter 5  
8 (commencing with Section 2000) or the Osteopathic Initiative Act,  
9 as a dentist, dental hygienist, dental hygienist in alternative  
10 practice, or dental hygienist in extended functions pursuant to  
11 Chapter 4 (commencing with Section 1600), as an occupational  
12 therapist pursuant to Chapter 5.6 (commencing with Section 2570),  
13 as a registered nurse pursuant to Chapter 6 (commencing with  
14 Section 2700), as a psychologist pursuant to Chapter 6.6  
15 (commencing with Section 2900), as a naturopathic doctor pursuant  
16 to Chapter 8.2 (commencing with Section 3610), as a marriage  
17 and family therapist pursuant to Chapter 13 (commencing with  
18 Section 4980), as a licensed clinical social worker pursuant to  
19 Chapter 14 (commencing with Section 4991), as a licensed  
20 professional clinical counselor pursuant to Chapter 16  
21 (commencing with Section 4999.10), as an optometrist pursuant  
22 to Chapter 7 (commencing with Section 3000), or as a chiropractor  
23 pursuant to the Chiropractic Initiative Act, and operating consistent  
24 with the laws governing their respective scopes of practice in the  
25 state within which they provide telephone medical advice services,  
26 except as provided in subdivision (b).  
27 (2) Ensuring that all health care professionals who provide  
28 telephone medical advice services from an out-of-state location,  
29 as identified in paragraph (1), are licensed, registered, or certified  
30 in the state within which they are providing the telephone medical  
31 advice services and are operating consistent with the laws  
32 governing their respective *licenses and* scopes of practice.

1 (b) Ensuring that the telephone medical advice provided is  
2 consistent with good professional practice.

3 (c) Maintaining records of telephone medical advice services,  
4 including records of complaints, provided to patients in California  
5 for a period of at least five years.

6 (d) Ensuring that no staff member uses a title or designation  
7 when speaking to an enrollee, subscriber, or consumer that may  
8 cause a reasonable person to believe that the staff member is a  
9 licensed, certified, or registered health care professional described  
10 in paragraph (1) of subdivision (a), unless the staff member is a  
11 licensed, certified, or registered professional.

12 (e) Complying with all directions and requests for information  
13 made by the ~~department~~. *department and respective healing arts*  
14 *licensing boards*.

15 (f) Notifying the department within 30 days of any change of  
16 name, physical location, mailing address, or telephone number of  
17 any business, owner, partner, corporate officer, or agent for service  
18 of process in California, together with copies of all resolutions or  
19 other written communications that substantiate these changes.

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1622**

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**Introduced by Assembly Member Carrillo**

February 22, 2019

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An act to amend ~~Section~~ *Sections 1682 and 2746.2* of the Business and Professions Code, to amend Section 151001 ~~of of, and to add Section 123885.1 to~~, the Health and Safety Code, ~~and to amend Section 1308.8 of the Labor Code, and to amend Section 13776 of the Penal Code~~, relating to family physicians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1622, as amended, Carrillo. Family physicians.

*(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists by the Dental Board of California. Existing law makes it unprofessional conduct for a dentist to fail to obtain the written informed consent of a patient before administering general anesthesia and, until January 1, 2022, conscious sedation, and, for a minor, requires the written informed consent to include a statement that encourages the patient to explore all options available for the child's anesthesia for their dental treatment and consult with the child's dentist or pediatrician as needed.*

*This bill would revise the content of the statement to specify that the patient is encouraged to consult with the child's dentist, pediatrician, or family physician as needed.*

~~(1)~~

*(2) Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing and authorizes the board to issue a certificate to practice*



AMENDED IN SENATE MARCH 5, 2019

**SENATE BILL**

**No. 53**

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**Introduced by Senator Wilk**

~~(Coauthor: Assembly Member Lackey)~~

**(Coauthors: Senators Bates, Glazer, Jones, and Portantino)**

*(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and  
Patterson)*

December 10, 2018

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An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

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

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 11121 of the Government Code is  
2 amended to read:

3 11121. As used in this article, “state body” means each of the  
4 following:

5 (a) Every state board, or commission, or similar multimember  
6 body of the state that is created by statute or required by law to  
7 conduct official meetings and every commission created by  
8 executive order.

9 (b) A board, commission, committee, or similar multimember  
10 body that exercises any authority of a state body delegated to it by  
11 that state body.

12 (c) An advisory board, advisory commission, advisory  
13 committee, advisory subcommittee, or similar multimember  
14 advisory body of a state body, if created by formal action of the  
15 state body or of any member of the state body, and if the advisory  
16 body so created consists of three or more persons, except as  
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember  
19 body on which a member of a body that is a state body pursuant  
20 to this section serves in ~~his or her~~ *their* official capacity as a  
21 representative of that state body and that is supported, in whole or  
22 in part, by funds provided by the state body, whether the  
23 multimember body is organized and operated by the state body or  
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the  
26 State Bar of California, as described in Section 6001 of the  
27 Business and Professions Code. This subdivision shall become  
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or safety within  
31 the meaning of Article IV of the California Constitution and shall  
32 go into immediate effect. The facts constituting the necessity are:

1     In order to avoid unnecessary litigation and ensure the people's  
2     right to access the meetings of public bodies pursuant to Section  
3     3 of Article 1 of the California Constitution, it is necessary that  
4     this act take effect immediately.

O

**Introduced by Senators Atkins and McGuire**

*(Coauthors: Senators Bates, Beall, Chang, Dodd, Galgiani, Hertzberg, Jones, Nielsen, Portantino, Wiener, and Wilk)*

*(Coauthors: Assembly Members Aguiar-Curry, Berman, Carrillo, Dahle, Frazier, Gallagher, Eduardo Garcia, Gray, Maienschein, Mathis, Robert Rivas, and Wood)*

January 8, 2019

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An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 66, as amended, Atkins. Medi-Cal: federally qualified health center and rural health clinic services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides that federally qualified health center (FQHC) services and rural health clinic (RHC) services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. "Visit" is defined as a face-to-face encounter between a patient of an FQHC or RHC and specified health care professionals, including a ~~physician~~ *physician and marriage and family therapist*. Under existing law, "physician," for these purposes, includes, but is not limited to, a physician and surgeon, an osteopath, and a podiatrist.

This bill would authorize reimbursement for a maximum of 2 visits taking place on the same day at a single location if after the first visit the patient suffers illness or injury requiring additional diagnosis or treatment, or if the patient has a medical visit and a mental health visit or a dental visit, as defined. The bill would authorize an FQHC or RHC that currently includes the cost of a medical visit and a mental health visit that take place on the same day at a single location as a single visit for purposes of establishing the FQHC's or RHC's rate to apply for an adjustment to its per-visit rate, and after the department has approved that rate adjustment, to bill a medical visit and a mental health visit that take place on the same day at a single location as separate visits, in accordance with the bill.

This bill would also ~~make an FQHC or RHC visit to a licensed acupuncturist reimbursable on a per-visit basis. The~~ *include a licensed acupuncturist within those health care professionals covered under the definition of "visit."* The bill would require the department, by July 1, 2020, to submit a state plan amendment to the federal Centers for Medicare and Medicaid Services to reflect certain changes described in the bill, and to seek necessary federal approvals. The bill would also make conforming and technical changes.

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 14132.100 of the Welfare and Institutions  
2 Code is amended to read:  
3 14132.100. (a) The federally qualified health center services  
4 described in Section 1396d(a)(2)(C) of Title 42 of the United States  
5 Code are covered benefits.  
6 (b) The rural health clinic services described in Section  
7 1396d(a)(2)(B) of Title 42 of the United States Code are covered  
8 benefits.  
9 (c) Federally qualified health center services and rural health  
10 clinic services shall be reimbursed on a per-visit basis in  
11 accordance with the definition of "visit" set forth in subdivision  
12 (g).  
13 (d) Effective October 1, 2004, and on each October 1 thereafter,  
14 until no longer required by federal law, federally qualified health  
15 center (FQHC) and rural health clinic (RHC) per-visit rates shall

Introduced by ~~Senator Mitchell~~ *Senators Mitchell and Hertzberg*

January 18, 2019

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~~An act relating to criminal fees.~~ *An act to amend Sections 7158, 7159.5, 7159.14, 7161, 9807, 9848, and 9882.14 of the Business and Professions Code, to amend Sections 6157, 27706, 27707, 27750, 27752, 27756, 27757, 29550, 29551, 50050, 68085, 68085.1, 68085.5, 68085.7, 68085.8, 71380, 71386, 76000.10, 76223, 77009, 77203, and 77205 of, to add Section 6111 to, to repeal Sections 22712, 27753, 29550.1, 29550.2, and 29550.3 of, and to repeal and add Section 68635 of the Government Code, to amend Section 11374.5 of, to add Section 11470.5 to, and to repeal Section 11470.2 of, the Health and Safety Code, to amend Sections 273a, 273d, 273.1, 273.6, 290.06, 295, 597.3, 670, 987, 987.2, 1000.3, 1001.90, 1202.4, 1202.42, 1203, 1203.016, 1203.018, 1203.066, 1203.067, 1203.097, 1203.1, 1203.1a, 1203.1ab, 1203.1d, 1203.1i, 1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.9, 1205, 1208, 1208.2, 1208.3, 1210.1, 1211, 1462.5, 1463, 1463.007, 1463.010, 1463.011, 1463.012, 1463.14, 1464.8, 2085.5, 2085.6, 2085.7, 3000.07, 4011.1, 4018.6, 4024.2, and 5008.2 of, to add Section 1465.9 to, and to repeal Sections 987.4, 987.5, 987.8, 987.81, 1001.15, 1001.16, 1203.1b, 1203.1bb, 1203.1c, 1203.1e, 1203.1h, 1203.1m, 1209, 1210.15, 1214.1, 1214.5, 1463.07, 3010.8, 4011.2, 5007.5, and 6266 of, the Penal Code, to amend Sections 11208, 13386, 21212, 23573, 23575.3, 40509, 40510.5, 40512, 42003, 42007, 42007.1, 42007.3, 42007.4, 42008.5, 42008.7, and 42008.8 of, to add Section 44237 to, and to repeal Sections 40508.5, 40508.6, and 40611, of, the Vehicle Code, and to amend Sections 903.45 and 904 of, and to repeal Section 903.3 of, the Welfare and Institutions Code, relating to fees.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 144, as amended, Mitchell. ~~Fees: criminal administrative fees.~~  
*Criminal fees.*

*(1) Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and diversion programs, collecting restitution orders, processing arrests and citations, administering drug testing, incarcerating inmates, facilitating medical visits, and sealing or expunging criminal records.*

*This bill would repeal the authority to collect these fees, among others. The bill would make the unpaid balance of any court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated. The bill would also prohibit the imposition of trial court filing fees or costs related to the persons underlying criminal conviction.*

*(2) Existing law allows the board of supervisors of any county to establish the office of the public defender and requires the public defender to defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of a crime. Existing law allows the court to hold a hearing to determine whether a defendant owns an interest in real property or other assets and to impose a lien on the property. Upon conclusion of trial, existing law allows the court to make a determination of a defendant's present ability to pay all or a portion of the cost of the public defender. If the court finds that the defendant has the financial ability to pay, existing law requires the court to order the defendant to pay all or a part of the costs the court believes reasonable and compatible with the defendant's financial ability.*

*This bill would delete the authority of the court to impose liens on the defendant's property and make a post-trial determination of the defendant's ability to pay and to order the defendant to pay the costs of the public defender. By requiring a county to provide a public defender without charge to a defendant who may have the ability to pay, this bill would impose a state-mandated local program.*

*(3) Existing law, as added by the Substance Abuse and Crime Prevention Act of 2000, adopted by voters as Proposition 36 at the November 7, 2000, statewide general election, requires that persons convicted of certain nonviolent drug possession offenses be granted probation and be placed in an appropriate drug treatment program.*

*The act allows the trial judge to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program. The act allows its amendment by a statute passed by <sup>2</sup>/<sub>3</sub> of both houses of the Legislature and requires that all amendments further the act and be consistent with its purposes.*

*This bill would amend the act by deleting the authority of the court to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program.*

*(4) Existing law allows the court to impose a civil assessment of up to \$300 against a defendant who fails, after notice and without good cause, to appear in court or who fails to pay all or any portion of a fine ordered by the court.*

*This bill would repeal the authority of the court to impose that assessment.*

*(5) Existing law, the Sexual Predator Punishment and Control Act: Jessica's Law, adopted by voters as Proposition 83 at the November 7, 2006, statewide general election, requires every person paroled after being committed to prison for a registerable sex offense to be monitored by a global positioning system for the term of their parole. The act requires the inmate to pay for the costs associated with the monitoring by a global positioning system unless the Department of Corrections and Rehabilitation finds the inmate has an inability to pay. The act allows its amendment by a statute passed by <sup>2</sup>/<sub>3</sub> of both houses of the Legislature.*

*This bill would amend the act by deleting the requirement that a parolee pay for the costs associated with being monitored by a global positioning system.*

*(6) Existing law requires a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage or drug to install an ignition interlock device on the vehicle that person operates. Existing law requires a manufacturer certified to provide ignition interlock devices to adopt a fee schedule for the payment of costs of the device in an amount commensurate with a defendant's ability to pay. Existing law requires that a person subject to this requirement pay a percentage of the cost of the ignition interlock device program, up to the full cost, based on the person's income and to pay a fee to the Department of Motor Vehicles to cover the costs of administering the program.*



*This bill would delete the requirement that the person pay the costs of the ignition interlock device program and the requirement that the person pay the fee to the department.*

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

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

~~Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and diversion programs, collecting restitution orders, processing arrests and citations, administering drug testing, incarcerating inmates, facilitating medical visits, and sealing or expunging criminal records.~~

~~This bill would state the intent of the Legislature to enact legislation to eliminate the range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system, and to eliminate all outstanding debt incurred as a result of the imposition of administrative fees.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *Approximately 80 percent of Californians in jail are indigent*
- 4     *and too many enter the criminal justice system due to the*
- 5     *criminalization of their poverty.*
- 6     (b) *Incarcerated people are disproportionately Black or Latinx*
- 7     *because these populations are overpoliced, have higher rates of*
- 8     *convictions following an arrest, and have the highest rates of*
- 9     *poverty. In fact, while Black Californians represent only 7 percent*
- 10    *of the state population, they make up 23 percent of the Californians*
- 11    *on probation and are also grossly overrepresented in felony and*
- 12    *misdemeanor arrests.*

**Introduced by Senator Pan**

January 23, 2019

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An act to add Section 14132.225 to the Welfare and Institutions Code, relating to Medi-Cal.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 154, as introduced, Pan. Medi-Cal: restorative dental services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive healthcare services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law includes emergency and essential diagnostic and restorative dental services, and dental prophylaxis cleanings and dental examinations within the scope of benefits that may be provided to eligible recipients under the Medi-Cal program. Existing law authorizes specified Medi-Cal providers to recommend, after consultation with the beneficiary, and to receive reimbursement for, certain dental restorative materials other than the covered benefit of amalgam.

This bill would authorize a provider of services for the treatment of dental caries to provide, and receive reimbursement for, the application of silver diamine fluoride when used as a caries arresting agent, as specified, if the provider first consults with the beneficiary and obtains written informed consent, and if the treatment is included as part of a comprehensive treatment plan, to the extent that federal financial participation is available and any necessary federal approvals have been obtained. The bill would permit a registered dental hygienist in alternative practice who meets the requirements of the bill to bill for the services described in the bill. The bill would limit availability of

the described services to specified Medi-Cal beneficiary populations. The bill would authorize the department to implement its provisions by means of all-county letters, provider bulletins, or similar instructions, without taking further regulatory action.

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 14132.225 is added to the Welfare and  
2 Institutions Code, immediately following Section 14132.22, to  
3 read:

4 14132.225. (a) A provider of services for the treatment of  
5 dental caries may provide, and receive reimbursement for, the  
6 application of silver diamine fluoride, on a per-tooth basis, when  
7 used to arrest an active, nonsymptomatic carious lesion, and  
8 without mechanical removal of sound tooth structure, if all of the  
9 following conditions are met:

10 (1) There is a consultation with the beneficiary, or their designee.

11 (2) The beneficiary, or their designee, signs a written informed  
12 consent form that is approved by the department.

13 (3) The treatment is part of a comprehensive treatment plan.

14 (b) This section does not preclude the use of silver diamine  
15 fluoride for preventive services, when appropriate.

16 (c) A registered dental hygienist in alternative practice may bill  
17 for this benefit when all the requirements of paragraphs (1) to (3),  
18 inclusive, of subdivision (a) are met.

19 (d) This benefit shall be limited to the following Medi-Cal  
20 populations:

21 (1) Children six years of age and under.

22 (2) Persons with disabilities or other underlying conditions such  
23 that nonrestorative caries treatment may be optimal.

24 (3) Adults who live in a licensed skilled nursing facility or  
25 licensed intermediate care facility.

26 (e) This section shall be implemented only to the extent that  
27 both of the following occur:

28 (1) The department obtains any federal approvals necessary to  
29 implement this section.

30 (2) The department obtains federal matching funds to the extent  
31 permitted by federal law.

1 (f) Notwithstanding Chapter 3.5 (commencing with Section  
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
3 the department may implement this section by means of all-county  
4 letters, provider bulletins, or similar instructions, without taking  
5 further regulatory action.

O

**Introduced by Senator Morrell**

February 22, 2019

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An act to add Section 11009.5 to the Government Code, relating to state government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 601, as introduced, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes to the satisfaction of the state agency that the person or business has been displaced by a declared emergency, as defined.

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 11009.5 is added to the Government
- 2 Code, to read:
- 3 11009.5. (a) Notwithstanding any other law, a state agency
- 4 that issues any business license may, within one year of the
- 5 declaration of an emergency as defined in Section 8558, reduce
- 6 or waive any required fees for licensure, renewal of licensure, or
- 7 the replacement of a physical license for display if a person or

- 1 business establishes to the satisfaction of the state agency that the
- 2 person or business has been displaced by the declared emergency.
- 3 (b) For purposes of this section, “license” includes, but is not
- 4 limited to, a certificate, registration, or other required document
- 5 to engage in business.

AMENDED IN SENATE MARCH 27, 2019

**SENATE BILL**

**No. 653**

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**Introduced by Senator Chang**

February 22, 2019

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~~An act to amend Section 2028.5 of the Business and Professions Code, relating to healing arts. An act to amend Sections 1907, 1911, 1926, and 1926.05 of, and to add Sections 1911.5 and 1926.5 to, the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 653, as amended, Chang. ~~Telehealth.~~ *Dental hygienists: registered dental hygienist in alternative practice: scope of practice.*

*Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice by the Dental Hygiene Board of California within the Department of Consumer Affairs. Existing law makes certain violations of specific provisions relating to healing arts by a licensee a crime.*

*Existing law specifies the scope of practice of a registered dental hygienist and authorizes a registered dental hygienist to perform, among other things, all functions performed by a registered dental assistant. Existing law requires any procedure performed by a registered dental hygienist that does not specifically require direct supervision of a dentist to be performed under the general supervision of a dentist. Existing law authorizes a registered dental hygienist to provide, without supervision, dental hygiene preventive services in addition to oral screenings in a specified federal, state, or local public health program.*

*This bill would authorize a registered dental hygienist to perform the functions of a registered dental assistant in a dental or medical setting and would authorize a registered dental hygienist to provide, without supervision, fluoride varnish to a patient. The bill would authorize a registered dental hygienist to provide dental hygiene preventive services and oral screenings in a public health program or in a community-based organization outreach program.*

*Existing law authorizes a registered dental hygienist in alternative practice to perform any of the duties or functions authorized to be performed by a registered dental hygienist and to additionally perform specified duties in residences of the homebound, schools, residential facilities and other institutions, and dental health professional shortage areas, as specified. Existing law requires the duties and functions of a registered dental hygienist in alternative practice in these settings to be performed under the general supervision of a dentist when specified.*

*This bill would additionally authorize a registered dental hygienist in alternative practice to perform specified functions and duties of a registered dental hygienist in dental or medical settings and would remove the authorization to practice in certified dental health professional shortage areas. The bill would authorize a registered dental hygienist in alternative practice to perform soft-tissue curettage, administration of local anesthesia, and administration of nitrous oxide and oxygen under the direct supervision of a dentist in the above-specified settings and would remove the general supervision requirement for specified duties in those settings. The bill would also authorize a registered dental hygienist in alternative practice to establish a practice in counties with 10 or fewer Denti-Cal providers accepting new Denti-Cal patients, as provided, and to perform specified duties in their practice without supervision of a dentist.*

*Because a violation of certain provisions of the bill would be a crime, the bill would create 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.*

~~The Medical Practice Act establishes the Medical Board of California to regulate, among other things, the practice of telehealth, as defined. Existing law authorizes the board to establish a pilot program to expand~~



the practice of telehealth and to convene a working group to implement the pilot program.

~~This bill would make a nonsubstantive change to the pilot program provision.~~

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

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

1     *SECTION 1. Section 1907 of the Business and Professions*  
2     *Code is amended to read:*

3     1907. The following functions may be performed *in a dental*  
4     *or medical setting* by a registered dental hygienist, in addition to  
5     those authorized pursuant to Sections 1908 to 1914, inclusive:

6     (a) All functions that may be performed by a registered dental  
7     assistant.

8     (b) All persons holding a license as a registered dental hygienist,  
9     registered dental hygienist in alternative practice, or registered  
10    dental hygienist in extended functions as of December 31, 2005,  
11    are authorized to perform the duties of a registered dental assistant  
12    specified in this chapter. All persons issued a license as a registered  
13    dental hygienist, registered dental hygienist in alternative practice,  
14    or registered dental hygienist in extended functions on or after  
15    January 1, 2006, shall qualify for and receive a registered dental  
16    assistant license prior to performance of the duties of a registered  
17    dental assistant specified in this chapter.

18    *SEC. 2. Section 1911 of the Business and Professions Code is*  
19    *amended to read:*

20    1911. (a) A registered dental hygienist may provide, without  
21    supervision, educational services, oral health training programs,  
22    and oral health screenings.

23    (b) A registered dental hygienist shall refer any screened patients  
24    ~~with possible oral abnormalities~~ to a dentist for a comprehensive  
25    examination, diagnosis, and treatment plan.

26    (c) ~~In any public health program created by federal, state, or~~  
27    ~~local law or administered by a federal, state, county, or local~~  
28    ~~governmental entity, or a community-based organization outreach~~  
29    ~~program,~~ a registered dental hygienist may provide, without  
30    supervision, dental hygiene preventive services in addition to oral  
31    screenings, including, but not limited to, the application of fluorides

1 and pit and fissure sealants. A registered dental hygienist ~~employed~~  
2 *practicing* as described in this subdivision may submit, or allow  
3 to be submitted, any insurance or third-party claims for patient  
4 services performed as authorized in this article.

5 *(d) For purposes of this section, “community-based*  
6 *organization” shall be defined as in subdivision (a) of Section*  
7 *1149 of Title 16 of the California Code of Regulations.*

8 *SEC. 3. Section 1911.5 is added to the Business and Professions*  
9 *Code, to read:*

10 *1911.5. Notwithstanding Section 1912, a registered dental*  
11 *hygienist may provide, without supervision, fluoride varnish to a*  
12 *patient.*

13 *SEC. 4. Section 1926 of the Business and Professions Code is*  
14 *amended to read:*

15 1926. A registered dental hygienist in alternative practice may  
16 perform the duties authorized pursuant to subdivision (a) of Section  
17 1907, subdivision (a) of Section 1908, *subdivisions (a), (b), and*  
18 *(c) of Section 1909*, and subdivisions (a) and (b) of Section 1910  
19 in the following settings:

20 (a) Residences of the homebound.

21 (b) Schools.

22 (c) Residential facilities and other institutions.

23 ~~(d) Dental health professional shortage areas, as certified by the~~  
24 ~~Office of Statewide Health Planning and Development in~~  
25 ~~accordance with existing office guidelines.~~

26 *(d) Dental or medical settings.*

27 *SEC. 5. Section 1926.05 of the Business and Professions Code*  
28 *is amended to read:*

29 1926.05. (a) In addition to the duties specified in Section 1926,  
30 a registered dental hygienist in alternative practice is authorized  
31 to perform the duties pursuant to Section 1910.5, in the following  
32 settings:

33 (1) Residences of the homebound.

34 (2) Schools.

35 (3) Residential facilities and other institutions.

36 *(4) Dental or medical settings.*

37 *(5) Counties described in Section 1926.5.*

38 (b) A registered dental hygienist in alternative practice is  
39 authorized to perform the duties pursuant to paragraph (2) of

subdivision (a) of Section 1910.5 in the settings specified in this section under the general supervision of a dentist. section.

SEC. 6. Section 1926.5 is added to the Business and Professions Code, to read:

1926.5. (a) A registered dental hygienist in alternative practice may practice in a county with 10 or fewer Denti-Cal providers accepting new Denti-Cal patients.

(b) A registered dental hygienist in alternative practice may practice in a county with more than 10 Denti-Cal providers accepting new Denti-Cal patients only if the registered dental hygienist in alternative practice established the practice in accordance with subdivision (a) and 15 percent of the practice's patients are persons without dental insurance or are persons eligible for Denti-Cal.

SEC. 7. 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.

SECTION 1. ~~Section 2028.5 of the Business and Professions Code is amended to read:~~

~~2028.5. (a) The board may establish a pilot program to expand the practice of telehealth in the state.~~

~~(b) To implement this pilot program, the board may convene a working group of interested parties from the public and private sectors, including, but not limited to, state health-related agencies, health care providers, health plan administrators, information technology groups, and groups representing health care consumers.~~

~~(c) The purpose of the pilot program shall be to develop methods, using a telehealth model, to deliver throughout the state health care to persons with chronic diseases as well as information on the best practices for chronic disease management services and techniques and other health care information as deemed appropriate.~~

O

**Introduced by Senator Durazo**

February 22, 2019

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An act to add Sections 6254.34 and 6259.5 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 749, as amended, Durazo. California Public Records Act: ~~Act:~~ *trade secrets: reverse public records actions.*

*The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law provides that nothing in the act requires the disclosure of corporate proprietary information including trade secrets, among other things.*

*This bill would provide that records relating to wages, benefits, working hours, and other employment terms and conditions of employees working for a private industry employer pursuant to a contract with a state or local agency shall not be deemed to be trade secrets under the act. The bill would also provide that records of compliance with local, state, or federal domestic content requirements and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency shall not be deemed trade secrets under the act.*

*Under existing law, a person may seek injunctive or declaratory relief or a writ of mandate to enforce their right to inspect or receive a copy of a public record, as specified. Under existing case law, an agency's decision to release a public record pursuant to the California Public Records Act is reviewable by a petition for a writ of mandate on the*

*basis that the public record was confidential, which is known as a reverse public records act.*

*This bill would require the requester, as defined, to be named as a real party in interest in a reverse public records action, and would require a court to allow the requester to participate fully on the merits of the reverse public records action. The bill would require the person who initiated the reverse public records action to pay the requester's court costs and reasonable attorney's fees if the court denies the petition seeking to prevent the public agency from disclosing the record at issue. The bill would require a public agency to pay court costs and reasonable attorney's fees to the requester under specified circumstances.*

*The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

~~The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.~~

~~This bill would declare the intent of the Legislature to enact legislation relating to the California Public Records Act.~~

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

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

1     SECTION 1. Section 6254.34 is added to the Government Code,  
2     to read:  
3     6254.34. (a) Notwithstanding any other law, records of wages,  
4     benefits, working hours, and other employment terms and  
5     conditions of employees working for a private industry employer,  
6     or a subcontractor of a private industry employer, pursuant to a  
7     contract with a state or local agency are not trade secrets and are  
8     public records for purposes of this chapter, except that nothing in  
9     this section requires the disclosure of the names and other  
10    personally identifying information of employees if that information

**Introduced by Committee on Business, Professions and Economic Development (Senators Glazer (Chair), Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk)**

March 11, 2019

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An act to amend Sections 803.1, 1902, 1902.1, 1902.2, 1902.3, 1903, 1904, 1905, 1905.1, 1905.2, 1906, 1909, 1910.5, 1916, 1917, 1917.1, 1917.3, 1918, 1922, 1926.1, 1926.2, 1926.3, 1926.4, 1930, 1931, 1932, 1934, 1935, 1936, 1936.1, 1940, 1941, 1941.5, 1942, 1943, 1944, 1947, 1949, 1950, 1950.5, 1951, 1952, 1955, 1957, 1958, 1958.1, 1962, 1963, 1964, 1966, 1966.1, 1966.2, 1966.4, 1966.5, 1966.6, 2234, 4980.36, 4999.32, and 4999.33 of, to repeal Section 4980.395 of, and to repeal Article 8 (commencing with Section 2155) of Chapter 5 of Division 2 of, and Article 11 (commencing with Section 2200) of Chapter 5 of Division 2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 786, as introduced, Committee on Business, Professions and Economic Development. Healing arts.

(1) Existing law requires the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, and the Physician Assistant Board to disclose to an inquiring member of the public specified information regarding any enforcement action taken against a licensee.

This bill would make nonsubstantive changes to those provisions.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dental hygienists by the Dental Hygiene Board of California within the Department of Consumer Affairs, and specifies

that, for purposes of the dental hygiene provisions, “hygiene board” means the Dental Hygiene Board of California.

This bill, in the provisions regulating dental hygienists, would replace all of the references to “hygiene board” with “dental hygiene board.”

(3) Existing law authorizes the Medical Board of California to make loans to medical students at a prescribed interest rate in accordance with specified conditions, which are repayable to the Contingent Fund of the Medical Board of California.

This bill would repeal those provisions.

(4) Existing law authorizes the Medical Board of California to award loans to licensed physicians and surgeons who agree to establish a medical practice in an area deficient in primary care services, and requires those loans to be repayable to the Contingent Fund of the Medical Board of California.

This bill would repeal those provisions.

(5) Existing law, the Licensed Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences, and, as a condition of licensure or registration, requires a person to possess a doctoral or master’s degree that meets specified requirements.

This bill would specify that the doctoral or master’s degree program that qualifies for licensure or registration shall be a single, integrated program.

(6) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of licensed professional clinical counselors by the Board of Behavioral Sciences. Existing law, as a condition of licensure, requires a person to possess a master’s or doctoral degree that is counseling or psychotherapy in content and prescribes requirements for the degree.

This bill would specify that the degree shall be a single, integrated program.

(7) This bill would repeal obsolete provisions and would make other nonsubstantive changes.

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 803.1 of the Business and Professions  
2 Code is amended to read:

**2019 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK  
 October 31, 2018 (revised)

**DEADLINES**

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

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

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

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

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

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 7 Legislature **reconvenes** (J.R. 51(a)(1)).

Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

Jan. 21 Martin Luther King, Jr. Day.

Jan. 25 Last day to submit **bill requests** to the Office of Legislative Counsel

Feb. 18 Presidents' Day.

Feb. 22 Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

Mar. 29 Cesar Chavez Day observed.

Apr. 11 Spring recess begins upon adjournment of this day's session (J.R. 51(a)(2)).

Apr. 22 Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).

Apr. 26 Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).

May 3 Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).

May 10 Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).

May 17 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).

May 27 Memorial Day.

May 28-31 **Floor Session Only.**  
 No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

May 31 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).



**2019 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK  
 October 31, 2018 (revised)

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

Jun. 3 Committee meetings may resume (J.R. 61(a)(9)).

Jun. 15 **Budget Bill** must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

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

Jul. 4 Independence Day.

Jul. 10 Last day for **policy committees** to hear and report **fiscal bills** to **fiscal committees** (J.R. 61(a)(10)).

Jul. 12 Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)).  
**Summer recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

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

Aug. 12 **Legislature reconvenes** from Summer recess (J.R. 51(a)(3)).

Aug. 30 Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

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

Sep. 2 Labor Day.

Sep. 3-13 **Floor Session Only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

Sep. 6 Last day to **amend bills on the floor** (J.R. 61(a)(14)).

Sep. 13 Last day for **each house to pass bills** (J.R. 61(a)(15)).  
**Interim Study Recess** begins upon adjournment of this day's session (J.R. 51(a)(4)).

\*Holiday schedule subject to Senate Rules committee approval.

### IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

**2019**

Oct. 13

Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor's possession after Sep. 13 (Art. IV, Sec. 10(b)(1)).

**2020**

Jan. 1

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

Jan. 6

Legislature reconvenes (J.R. 51 (a)(4)).



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative & Regulatory Subcommittee**

**Agenda Item LEG 6:**

**Discussion and Possible Action, and Recommendation to the  
Full Committee Proposed Draft Regulatory Language to  
Implement AB 2138**



## MEMORANDUM

<b>DATE</b>	April 12, 2019
<b>TO</b>	Dental Hygiene Board of California Legislative and Regulatory Subcommittee
<b>FROM</b>	Anthony Lum Executive Officer Dental Hygiene Board of California
<b>SUBJECT</b>	<b>Discussion and Possible Action, and Recommendation to the Full Committee Proposed Draft Regulatory Language to Implement AB 2138.</b>

### Background:

Pursuant to Business and Professions Code sections 141, 475, and 480, under existing law, boards may deny or discipline a license based upon discipline imposed by California, another state, an agency of the federal government, or another country for any act substantially related to the licensed profession.

Effective July 1, 2020, Assembly Bill 2138 (Chapter 995, Statutes of 2018) will require boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria. Business and Professions Code section 480 presently authorizes boards to deny an application for licensure based on a conviction for a crime or act substantially related to the licensed business or profession. Likewise, section 490 authorizes boards to suspend or revoke a license on the basis that the licensee was convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession.

AB 2138 also specified three criteria that boards must consider when evaluating whether a crime is "substantially related" to the regulated business or profession. The criteria shall include: (1) The nature and gravity of the offense; (2) The number of years elapsed since the date of the offense; and (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed. The Department of Consumer Affairs sent an all agency memorandum to assist the boards in crafting amendments to their regulations for consistency purposes. Board staff worked with its Legal Counsel to draft proposed language for the Board's consideration to amend its substantial relationship criteria and rehabilitation criteria. The proposed amended language satisfies the provisions of AB 2138.

### Staff Recommendation:

Consider and possibly approve the proposed regulatory language relative to substantial relationship criteria and criteria for evaluating rehabilitation, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and delegating authority to the Executive Officer to make any technical or non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, delegate authority to the Executive Officer to make any technical or non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed amendments to the California Code of Regulations, Title 16, Sections 1111, 1112 and 1112.1 as noticed in the proposed text.

**Pros:** The proposed regulatory language fulfills the new requirements to evaluate applications with a criminal history as set forth in AB 2138 and if approved, meets the department's deadline to move the regulation forward with an expected implementation date of July 1, 2020.

**Cons:** If the proposed regulatory language is not approved, the Board will not have adequate time for the regulation to proceed through the current regulatory process pursuant to the Administrative Procedures Act to be implemented by July 1, 2020.



## Proposed Regulation for Substantial Relationship Criteria

(All language is new and proposed to be adopted.)

To add § 1111 in Article 4 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

### § 1111. Substantial Relationship Criteria.

- (a) For the purposes of the denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a dental hygienist, dental hygienist in alternative practice, or a dental hygienist in expanded functions if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.
- (b) In making the substantial relationship determination required under subdivision (a) for a crime, the Dental Hygiene Board of California (Board) shall consider the following criteria:
  - (1) The nature and gravity of the offense;
  - (2) The number of years elapsed since the date of the offense; and
  - (3) The nature and duties of a dental hygienist, dental hygienist in alternative practice, or a dental hygienist in expanded functions;
- (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:
  - (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of Chapter 1, Division 2 of the Code.
  - (2) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of the Dental Practice Act or other state or federal laws governing the practice of dental hygienists, dental hygienists in alternative practice, and dental hygienists in expanded functions.
  - (3) Conviction or act involving fiscal dishonesty.
  - (4) Conviction or act involving child abuse.

- (5) A conviction requiring a person to register as a sex offender pursuant to Section 290 of the Penal Code.
- (6) Conviction or act involving lewd conduct or sexual impropriety.
- (7) Conviction or act involving assault, battery, or other violence.
- (8) Any conviction, crime, professional misconduct, or act involving the use, sale, gift, administration, or furnishing of narcotics, dangerous drugs, or dangerous devices to an extent or in a manner dangerous to the individual or the public.
- (9) Conviction for driving under the influence of drugs or alcohol.
- (10) Conviction or act involving harassment, trespass, or stalking.

Note: Authority cited: Sections 481, 493, 1905, and 1906, Business and Professions Code.  
Reference: Sections 141, 480, 481, 490, and 493 Business and Professions Code

## Proposed Regulation for Rehabilitation Criteria for Denials and Reinstatements.

(All language is new and proposed to be adopted.)

To add § 1112 in Article 4 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

### § 1112. Rehabilitation Criteria for Denials and Reinstatements.

- (a) When considering the denial of a license under Section 480 of the Code on the ground that the applicant was convicted of a crime, the Dental Hygiene Board of California (Board) shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:
- (1) The nature and gravity of the crime(s) under consideration.
  - (2) The length(s) of the applicable parole or probation period(s).
  - (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
  - (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
  - (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.
- (b) If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after consideration of the following criteria, the Board finds that the applicant is rehabilitated:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
  - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under section 480 or 1943 of the Code.
  - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (b)(1) or (b)(2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(c) When considering a petition for reinstatement of a license or a petition for modification or termination of probation under the provisions of section 1957 of the Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section.

NOTE: Authority cited: Sections 480, 481, 482, 1943, and 1957 Business and Professions Code.  
Reference: Sections 480, 481, 482, 488. 493, 1943, and 1957, Business and Professions Code.





## **Proposed Regulation for Rehabilitation Criteria for Suspensions and Revocations.**

(All language is new and proposed to be adopted.)

To add §1112.1 in Article 4 of Division 11 of Title 16 of the California Code of Regulations to read as follows :

### § 1112.1. Rehabilitation Criteria for Suspensions and Revocations.

(a) When considering the suspension or revocation of a license issued by the Dental Hygiene Board of California (Board) on the ground that a person holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in expanded functions has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently fit for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) The nature and gravity of the crime(s) under consideration.
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently fit for a license if, after considering the following criteria, the Board finds that the licensee is rehabilitated:

- (1) The nature and severity of the act(s) or crime(s) under consideration.
- (2) The total criminal record.
- (3) The time that has elapsed since commission of the act(s) or crime(s).

- (4) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subdivision (a)(1)-(5), as applicable
- (6) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal Code.
- (7) Evidence, if any, of rehabilitation submitted by the licensee.

NOTE: Authority cited: Sections 480, 481, 482, 1943, and 1957 Business and Professions Code.  
Reference: Sections 480, 481, 482, 488, 493, 1943, and 1957, Business and Professions Code.



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative and Regulatory Subcommittee Meeting**

**Agenda Item LEG 7:**

**Future Agenda Items**



**Friday, April 12, 2019**

**Dental Hygiene Board of California**

**Legislative and Regulatory Subcommittee Meeting**

**Agenda Item LEG 8:**

**Adjournment of the Legislative and Regulatory  
Subcommittee Meeting**