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

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

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

**MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

**BOARD MEETING**

**MAY 2-3, 2022**

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

**BOARD MEMBERS**

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

## I. Roll Call to Establish a Quorum

## II. Pledge of Allegiance

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

**NOTE:** The Board cannot take action on items not on the agenda. The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.

## IV. Administration

A. Fiscal Year 2021/22 Budget Report

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

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

## VI. Legislation

### A. 2022 Legislative Calendar

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

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

VII. **Enforcement**  
A. Enforcement Statistical Reports  
   1. Fiscal Year 2021/22 Update

VIII. **Exams/Licensing**  
A. Examination Updates  
B. 2021 Examination Results

IX. **Executive Officer’s Report**  
A. Rulemaking Status Report  
B. Update on Board’s Business Modernization Project  
C. Personnel  
D. ABET  
E. Association of State Boards of Geology (ASBOG)  
F. National Council of Examiners for Engineering and Surveying (NCEES)  
   1. Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV – Update  
   2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Update  
   3. Proposed Motion from New Mexico Board related to NCEES Model Law 130.10.B.2 Related to Professional Engineer Licensure (Possible Action)  
G. Update on Outreach Efforts

X. **President's Report/Board Member Activities**

XI. **Approval of Meeting Minutes (Possible Action)**  
A. Approval of the Minutes of the March 7, 2022, Board Meeting

XII. **Discussion Regarding Proposed Agenda Items for Next Board Meeting**

XIII. **Closed Session – The Board will meet in Closed Session to discuss, as needed:**  
A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]  
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]  
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]  
D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XIV. **Adjournment**  
Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.
I. Roll Call to Establish a Quorum
II. Pledge of Allegiance
III. Public Comment for Items Not on the Agenda
IV. Administration

A. Fiscal Year 2021/22 Budget Report
BUDGET AUTHORITY

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

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

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

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Budget Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016-17</td>
<td>$12,110</td>
</tr>
<tr>
<td>FY 2017-18</td>
<td>$12,777</td>
</tr>
<tr>
<td>FY 2018-19</td>
<td>$12,680</td>
</tr>
<tr>
<td>FY 2019-20</td>
<td>$12,805</td>
</tr>
<tr>
<td>FY 2020-21</td>
<td>$13,319</td>
</tr>
<tr>
<td>FY 2021-22</td>
<td>$13,343</td>
</tr>
<tr>
<td>FY 2022-23</td>
<td>$13,466</td>
</tr>
</tbody>
</table>
### GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

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

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

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

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

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

**Fiscal Month**
- Identifies the expenditures up to October 2021

**Fiscal Year**
- Identifies the current year

**Run Date**
- Identifies the date this report was pulled from QBIRT

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

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

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

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

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

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

**Surplus/(Deficit)**
- Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using \( \frac{\text{Governor's Budget} - \text{Projections to Year End}}{\text{Governor's Budget}} \).
FISCAL YEAR 2021-22
FISCAL MONTH 8 FINANCIAL STATEMENT

Revenues

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

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

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

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

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

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

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

## OPERATING EXPENSES & EQUIPMENT

<table>
<thead>
<tr>
<th>Notes</th>
<th>Fiscal Code</th>
<th>PY 20-21 FM 8</th>
<th>CY 21-22 FM 8</th>
<th>Governor's</th>
<th>Percent of Governor's</th>
<th>Projections to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>YTD + Encumbrance</td>
<td>YTD + Encumbrance</td>
<td>Budget</td>
<td>Budget Spent</td>
<td>Year End</td>
</tr>
<tr>
<td>2</td>
<td>5301 GENERAL EXPENSE</td>
<td>$34,455</td>
<td>$94,667</td>
<td>$32,000</td>
<td>296%</td>
<td>$82,620</td>
</tr>
<tr>
<td>3</td>
<td>5302 PRINTING</td>
<td>$44,218</td>
<td>$88,633</td>
<td>$26,000</td>
<td>341%</td>
<td>$61,300</td>
</tr>
<tr>
<td></td>
<td>5304 COMMUNICATIONS</td>
<td>$13,273</td>
<td>$9,688</td>
<td>$15,000</td>
<td>65%</td>
<td>$20,977</td>
</tr>
<tr>
<td></td>
<td>5306 POSTAGE</td>
<td>$25,058</td>
<td>$1,462</td>
<td>$36,000</td>
<td>4%</td>
<td>$26,320</td>
</tr>
<tr>
<td></td>
<td>5308 INSURANCE</td>
<td>$93</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
<td>$660</td>
</tr>
<tr>
<td></td>
<td>53202-204 IN STATE TRAVEL</td>
<td>$351</td>
<td>$1,402</td>
<td>$22,000</td>
<td>6%</td>
<td>$22,000</td>
</tr>
<tr>
<td></td>
<td>5322 TRAINING</td>
<td>$0</td>
<td>$2,000</td>
<td>$15,000</td>
<td>13%</td>
<td>$2,000</td>
</tr>
<tr>
<td>4</td>
<td>5324 FACILITIES*</td>
<td>$602,966</td>
<td>$456,527</td>
<td>$377,000</td>
<td>121%</td>
<td>$550,595</td>
</tr>
<tr>
<td>5</td>
<td>53402-53403 C/P SERVICES (INTERNAL)</td>
<td>$511,899</td>
<td>$356,290</td>
<td>$696,000</td>
<td>51%</td>
<td>$626,137</td>
</tr>
<tr>
<td>6</td>
<td>53404-53405 C/P SERVICES (EXTERNAL)</td>
<td>$2,083,613</td>
<td>$1,548,053</td>
<td>$3,324,000</td>
<td>47%</td>
<td>$1,927,631</td>
</tr>
<tr>
<td>7</td>
<td>5342 DEPARTMENT PRORATA</td>
<td>$1,278,750</td>
<td>$1,420,500</td>
<td>$1,935,000</td>
<td>73%</td>
<td>$1,935,000</td>
</tr>
<tr>
<td>8</td>
<td>5342 DEPARTMENTAL SERVICES</td>
<td>$10,593</td>
<td>$17,803</td>
<td>$27,000</td>
<td>66%</td>
<td>$17,803</td>
</tr>
<tr>
<td></td>
<td>5344 CONSOLIDATED DATA CENTERS</td>
<td>$12,793</td>
<td>$75</td>
<td>$22,000</td>
<td>0%</td>
<td>$22,000</td>
</tr>
<tr>
<td></td>
<td>5346 INFORMATION TECHNOLOGY</td>
<td>$105,516</td>
<td>$299,963</td>
<td>$166,000</td>
<td>181%</td>
<td>$101,972</td>
</tr>
<tr>
<td></td>
<td>5362-5368 EQUIPMENT</td>
<td>$24,386</td>
<td>$19,859</td>
<td>$0</td>
<td>0%</td>
<td>$92,653</td>
</tr>
<tr>
<td>9</td>
<td>5390 OTHER ITEMS OF EXPENSE</td>
<td>$0</td>
<td>$0</td>
<td>$3,000</td>
<td>0%</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>54 SPECIAL ITEMS OF EXPENSE</td>
<td>$0</td>
<td>$38</td>
<td>$0</td>
<td>0%</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>OPERATING EXPENSES &amp; EQUIPMENT</td>
<td>$4,747,964</td>
<td>$4,317,760</td>
<td>$6,696,000</td>
<td>64%</td>
<td>$5,490,669</td>
</tr>
<tr>
<td></td>
<td>OVERALL TOTALS</td>
<td>$7,843,019</td>
<td>$7,862,820</td>
<td>$12,329,000</td>
<td>64%</td>
<td>$10,954,937</td>
</tr>
</tbody>
</table>

*Includes additional $75k Architecture Revolving Fund expense
Expenditure Report Notes

1 **Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 2.0 SSA/AGPA, and 1.0 OT.

2 **General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 8 are $44,541.

3 **Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months. New DCA wide printing contract bills timely and there will be expenses recorded in FY 21-22 for both contracts.

4 **Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.

5 **C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.

6 **C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).

7 **DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.

8 **Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.

9 **Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.
0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund
Analysis of Fund Condition

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

<table>
<thead>
<tr>
<th>Actual</th>
<th>CY 2021-22</th>
<th>BY 2022-23</th>
<th>BY+1 2023-24</th>
</tr>
</thead>
</table>

BEGINNING BALANCE

| Prior Year Adjustment | $ 36 | $ 171 | - | - |
| Adjusted Beginning Balance | $ 4,880 | $ 2,523 | $ 3,099 | $ 959 |

REVENUES AND TRANSFERS

Revenues:

| 4121200 Delinquent fees | $ 122 | $ 150 | $ 152 | $ 152 |
| 4127400 Renewal fees | $ 6,707 | $ 10,270 | $ 9,081 | $ 10,584 |
| 4129200 Other regulatory fees | $ 104 | $ 102 | $ 103 | $ 103 |
| 4129400 Other regulatory licenses and permits | $ 1,571 | $ 1,744 | $ 1,761 | $ 1,761 |
| 4163000 Income from surplus money investments | $ 32 | - | $ 14 | - |
| 4171400 Escheat of unclaimed checks and warrants | $ 21 | $ 21 | $ 21 | $ 21 |
| 4172500 Miscellaneous revenues | - | $ 1 | $ 1 | $ 1 |
| 4173500 Settlements and Judgments - Other | $ 2 | - | - | - |

Totals, Revenues | $ 8,559 | $ 12,288 | $ 11,133 | $ 12,622 |

Totals, Revenues and Transfers | $ 8,559 | $ 12,288 | $ 11,133 | $ 12,622 |

Totals, Resources | $ 13,439 | $ 14,811 | $ 14,232 | $ 13,581 |

EXPENDITURES

Disbursements:

| 1111 Department of Consumer Affairs (State Operations) | $ 10,243 | $ 10,847 | $ 12,408 | $ 12,780 |
| 8880 Financial Information System for CA (State Operations) | - | - | - | - |
| 9892 Supplemental Pension Payments (State Operations) | $ 209 | $ 209 | $ 209 | $ 209 |
| 9900 Statewide Admin. (State Operations) | $ 635 | $ 656 | $ 656 | $ 635 |
| Less funding provided by General Fund (State Operations) | - | - | - | - |

Total Disbursements | $ 11,087 | $ 11,712 | $ 13,273 | $ 13,624 |

FUND BALANCE

Reserve for economic uncertainties | $ 2,352 | $ 3,099 | $ 959 | -43 |

Months in Reserve | 2.4 | 2.8 | 0.8 | 0.0 |

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

A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, and 3026 relating to ASBOG Examination Fees, Abandoned Applications, and Postponements

B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 422, 3021, 3023, 3023.1, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations

C. Amendments to Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30 regarding References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers.
VI. Legislation

A. 2022 Legislative Calendar

B. Discussion of Legislation for 2022 (Possible Action)

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 1</td>
<td>Statutes take effect (Art. IV, Sec. 8(c)).</td>
</tr>
<tr>
<td>Jan. 3</td>
<td>Legislature reconvenes (J.R. 51(a)(4)).</td>
</tr>
<tr>
<td>Jan. 10</td>
<td>Budget must be submitted by Governor (Art. IV, Sec. 12(a)).</td>
</tr>
<tr>
<td>Jan. 14</td>
<td>Last day for policy committees to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).</td>
</tr>
<tr>
<td>Jan. 17</td>
<td>Martin Luther King, Jr. Day.</td>
</tr>
<tr>
<td>Jan. 21</td>
<td>Last day for any committee to hear and report to the Floor bills introduced in their house in 2021 (J.R. 61(b)(2)).</td>
</tr>
<tr>
<td>Jan. 21</td>
<td>Last day to submit bill requests to the Office of Legislative Counsel.</td>
</tr>
<tr>
<td>Jan. 31</td>
<td>Last day for each house to pass bills introduced in 2021 in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).</td>
</tr>
<tr>
<td>Feb. 18</td>
<td>Last day for bills to be introduced (J.R. 61(b)(4)), (J.R. 54(a)).</td>
</tr>
<tr>
<td>Feb. 21</td>
<td>Presidents’ Day.</td>
</tr>
</tbody>
</table>

---

### JANUARY

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

### FEBRUARY

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

### MARCH

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

### APRIL

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

### MAY

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

*Holiday schedule subject to final approval by the Rules Committee*
June 15  Budget Bill must be passed by midnight (Art. IV, Sec. 12 (c)).

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

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

July 4  Independence Day.

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

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

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

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

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

Final Recess begins at end of this day’s session (J.R. 51(b)(3)).
Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

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

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

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

Staff Comment: This bill would require the Board to make changes to the information posted in its online license search system regarding disciplinary actions taken. Specifically, if the Board had revoked a license based on a criminal conviction and if the Board received notification that an expungement order was granted pursuant to Penal Code section 1203.4, then the Board must do one of two things within 90 days of receiving the expungement order. The Board must either 1) post notification of the expungement order if the person reapplies for licensure or is relicensed; or,
2) remove the initial posting of the revocation and any other postings relating to the conviction if the person is not currently licensed and does not reapply for licensure.

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

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

**Staff Recommendation:** No action needed.
An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.
This bill would require a board within the department that has posted on its online license search system that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board’s internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee of $25 to the person, not to exceed the cost to cover the reasonable regulatory cost of administering the bill’s provisions, unless there is no associated cost. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.


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

SECTION 1. Section 493.5 is added to the Business and Professions Code, to read:

493.5. (a) A board within the department that has posted on its online license search system that a person’s license was revoked because the person was convicted of a crime, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within 90 days of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reapplys for licensure or is relicensed, post notification of the expungement order and the date thereof on its online license search system.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its online license search system that the person’s license was revoked.
and information previously posted regarding arrests, charges, and convictions.

(b) Except as provided in paragraph (2), a board within the department may charge a fee of twenty-five dollars ($25) to a person described in subdivision (a), not to exceed the reasonable regulatory cost of associated with administering this section. The

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

(3) A board may adopt regulations to implement this subdivision.

The adoption, amendment, or repeal of a regulation authorized by this subdivision is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

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

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

(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.
AB 1662 (Gipson, D-Gardena)
Licensing boards: disqualification from licensure: criminal conviction.

**Status/History:** 4/22/2022 – Set for first hearing on 4/5/2022; hearing canceled at the request of author. Set for hearing on 4/26/2022.
**Location:** 4/22/2022 – Committee on Business and Professions
**Introduced:** 1/18/2022
**Board Position:** Oppose Unless Amended (as of 3/7/2022)
**Board Staff Analysis:** 4/22/2022

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

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

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

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

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

**Staff Recommendation:** No action needed.
ASSEMBLY BILL
No. 1662

Introduced by Assembly Member Gipson

January 18, 2022

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

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven
years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.

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

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

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

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

(f) A board shall follow the following procedures in requesting or acting on an applicant’s criminal history information:
(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

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

(3) If a board decides to deny an application for licensure based solely or in part on the applicant’s conviction history, the board shall notify the applicant in writing of all of the following:
   
   (A) The denial or disqualification of licensure.
   
   (B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.
   
   (C) That the applicant has the right to appeal the board’s decision.
   
   (D) The processes for the applicant to request a copy of the applicant’s complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

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

(2) Upon receiving a request submitted pursuant to paragraph (1), a board shall determine if the prospective applicant may be
disqualified from licensure by the board based on the information submitted with the request, and deliver the determination by mail or email to the prospective applicant within a reasonable time.

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

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

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.
(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.
(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.
(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

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

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

(i) “Conviction” as used in this section shall have the same meaning as defined in Section 7.5.

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

(1) The State Athletic Commission.
(2) The Bureau for Private Postsecondary Education.
(3) The California Horse Racing Board.

This section shall become operative on July 1, 2020.
March 16, 2022

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

RE: Assembly Bill 1662 – Oppose Unless Amended

Dear Assemblymember Gipson:

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

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

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

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

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

Sincerely,

Original Signed

NANCY A. EISSLER  
Assistant Executive Officer

The Honorable Marc Berman, Chair,  
Assembly Committee on Business and Professions
AB 1733 (Quirk, D-Hayward)
State bodies: open meetings.

Status/History: 4/20/2022 – Hearing postponed by the Assembly Committee on Governmental Organization.
Location: 4/22/2022 – Committee on Governmental Organization
Introduced: 1/31/2022
Board Position: Support (as of 3/7/2022)
Board Staff Analysis: 4/22/2022

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

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

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

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

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

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

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

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

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

**Staff Recommendation:** No action needed.
An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location
from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2. Section 11122.5 of the Government Code is amended to read:
11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and place, including one held entirely by
4 teleconference, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.
7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.
12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.
21 (c) The prohibitions of this article do not apply to any of the
22 following:
23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).
26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.
34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.
38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,
if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

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

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

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

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

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

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

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

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

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and shall conduct teleconference meetings
in a manner that protects the rights of any party or member of the public appearing before the state body. *The state body shall provide a means by which the public may remotely hear audio of the meeting or remotely hear and observe the meeting, and a means by which the public may remotely address the state body, as appropriate, via either a two-way audio-visual platform or a two-way telephonic service. Should the state body elect to use a two-way telephonic service only, it must also provide live webcasting of the open meeting. The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be specified in any notice required by this article. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to remotely address the state body directly pursuant to Section 11125.7 at each teleconference location.*

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

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

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

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

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

(G) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in
accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings. The state body shall post the agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The notice and agenda shall not disclose information regarding any remote location from which a member is participating.

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

(2) For the purposes of this subdivision, “teleconference” all of the following definitions shall apply:

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

(B) “Remote location” means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.
(C) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute participation remotely.

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

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

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

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

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

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

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

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

11123.5. (a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123,
any state body that is an advisory board, advisory commission,
advisory committee, advisory subcommittee, or similar
multimember advisory body may hold an open meeting by
teleconference as described in this section, provided the meeting
complies with all of the section’s requirements and, except as set
forth in this section, it also complies with all other applicable
requirements of this article.

(b) A member of a state body as described in subdivision (a)
who participates in a teleconference meeting from a remote location
subject to this section’s requirements shall be listed in the minutes
of the meeting:

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

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

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

(f) When a member of a state body described in subdivision (a)
participates remotely in a meeting subject to this section’s
requirements, the state body shall provide a means by which the
public may remotely hear audio of the meeting or remotely observe
the meeting, including, if available, equal access equivalent to
members of the state body participating remotely. The applicable
teleconference phone number or Internet Web site, or other
information indicating how the public can access the meeting
remotely, shall be in the 24 hour notice described in subdivision
(a) that is available to the public.

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

(h) For purposes of this section:

(1) “Participate remotely” means participation in a meeting at
a location other than the physical location designated in the agenda
of the meeting.

(2) “Remote location” means a location other than the primary
physical location designated in the agenda of a meeting.

(3) “Teleconference” has the same meaning as in Section 11123.

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

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

11124. (a) No person shall be required, as a condition to
attendance at a meeting of a state body, to register his or her the
person’s name, to provide other information, to complete a
questionnaire, or otherwise to fulfill any condition precedent to
t his or her the person’s attendance.

(b) If an attendance list, register, questionnaire, or other similar
document is posted at or near the entrance to the room where the
meeting is to be held, or electronically posted, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

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

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

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

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

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of
the state body, provided that the specific time and place of the
advisory body’s meeting is announced during the open and public
state body’s meeting, and provided that the advisory body’s
meeting is conducted within a reasonable time of, and nearby, the
meeting of the state body.

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

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

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

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

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

11125.4. (a) A special meeting may be called at any time by
the presiding officer of the state body or by a majority of the
members of the state body. A special meeting may only be called
for one of the following purposes when compliance with the 10-day
notice provisions of Section 11125 would impose a substantial
hardship on the state body or when immediate action is required
to protect the public interest:
(1) To consider “pending litigation” as that term is defined in subdivision (e) of Section 11126.
(2) To consider proposed legislation.
(3) To consider issuance of a legal opinion.
(4) To consider disciplinary action involving a state officer or employee.
(5) To consider the purchase, sale, exchange, or lease of real property.
(6) To consider license examinations and applications.
(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.
(10) To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary
of the state body a written waiver of notice. The waiver may be
given by telegram, facsimile transmission, or similar means. The
written notice may also be dispensed with as to any member who
is actually present at the meeting at the time it convenes. Notice
shall be required pursuant to this section regardless of whether any
action is taken at the special meeting.
(c) At the commencement of any special meeting, the state body
must make a finding in open session that the delay necessitated
by providing notice 10 days prior to a meeting as required by
Section 11125 would cause a substantial hardship on the body or
that immediate action is required to protect the public interest. The
finding shall set forth the specific facts that constitute the hardship
to the body or the impending harm to the public interest. The
finding shall be adopted by a two-thirds vote of the body, or, if
less than two-thirds of the members are present, a unanimous vote
of those members present. The finding shall be made available on
the Internet. state body’s internet website. Failure to adopt the
finding terminates the meeting.
SEC. 8. Section 11128.5 of the Government Code is amended
to read:
11128.5. The state body may adjourn any regular, adjourned
regular, special, or adjourned special meeting to a time and place,
including by teleconference, specified in the order of
adjournment. Less than a quorum may so adjourn from time to
time. If all members are absent from any regular or adjourned
regular meeting, the clerk or secretary of the state body may declare
the meeting adjourned to a stated time and place, including
by teleconference, and he or she shall cause a written notice of the adjournment to be given in the same
manner as provided in Section 11125.4 for special meetings, unless
that notice is waived as provided for special meetings. A copy of
the order or notice of adjournment shall be conspicuously posted
on the state body’s internet website, and if applicable, on or near
the door of the place where the regular, adjourned regular, special,
or adjourned special meeting was held within 24 hours after the
time of the adjournment. When a regular or adjourned regular
meeting is adjourned as provided in this section, the resulting
adjourned regular meeting is a regular meeting for all purposes.
When an order of adjournment of any meeting fails to state the
hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

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

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

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

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

In order to protect public health, expand access to government participation by the public, and increase transparency in state government operations during the COVID-19 pandemic, it is necessary that this act take effect immediately.
April 5, 2022

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

RE: Assembly Bill 1733 – SUPPORT

Dear Chairman Santiago:

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

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

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

Sincerely,

Original Signed

NANCY A. EISSLER  
Assistant Executive Officer

cc The Honorable Bill Quirk, Ph.D.,  
Member, California State Assembly  
The Honorable Marc Berman, Chair,  
Assembly Committee on Business and Professions
AB 1795 (V. Fong, R-Bakersfield)
Open meetings: remote participation.

Status/History:  2/18/2022 – Referred to the Assembly Committee on Governmental Organization.
Location: 4/22/2022 – Committee on Governmental Organization
Introduced: 2/7/2022
Board Position: Watch (as of 3/7/2022)
Board Staff Analysis: 4/22/2022

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

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

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

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

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

Staff Recommendation: No action needed.
ASSEMBLY BILL
No. 1795

Introduced by Assembly Member Fong

February 7, 2022

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1795, as introduced, Fong. Open meetings: remote participation. Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

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


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

SECTION 1. Section 11123 of the Government Code is amended to read:

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body, including by both in-person and remote participation, except as otherwise provided in this article. For purposes of this subdivision, “remote participation” means participation in a meeting at a location other than the physical
location designated in the agenda of the meeting via electronic communication.

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

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

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

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

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

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

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

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

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
SEC. 2. Section 11125.7 of the Government Code is amended to read:

11125.7. (a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body, including by both in-person and remote participation, on each agenda item before or during the state body’s discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee’s consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public. For purposes of this subdivision, “remote participation” means participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.

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

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

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.
(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

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

(1) Closed sessions held pursuant to Section 11126.

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

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

(4) Agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission’s consideration of the item.
SB 1120 (Jones, R-El Cajon)
Engineering, land surveying, and geology.

Status/History:  4/20/2022 – From Senate Committee on Judiciary: Do pass and re-refer to Committee on Appropriations with recommendation to consent calendar. Re-referred to Committee on Appropriations; set for hearing on 5/2/2022.
Location:  4/22/2022 – Committee on Appropriations
Introduced:  2/16/2022
Amended:  3/15/2022
Board Position:  Support, as amended 3/2/2022
Board Staff Analysis:  4/22/2022

Bill Summary:  As amended March 2 and 15, 2022:
Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors’ Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. This bill would require an applicant for certification or licensure with a valid email address to report their email address to the Board at the time of application, require a license or certificate holder with a valid email address to report their email address at the time of renewal, and require applicants and licensees to notify the Board of any change to an email address, as specified. The bill would, in the interest of protecting the privacy of applicants and licensees, prohibit from disclosure all email addresses provided by applicants or licensees.

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

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

Existing law (the Public Resources Code) prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the “California Coordinate System of 1983.” This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the “California Coordinate System of 2022,” as provided, and make other conforming changes.
**Affected Laws:** An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

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

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

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

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

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

**Staff Recommendation:** Staff recommends the Board take a position of “Support” on SB 1120, as amended March 15, 2022.
An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and to amend Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would require an applicant for licensure as an engineer, land surveyor, or geologist, or geophysicist, or an applicant for certification as an engineer-, land surveyor-, or geologist-in-training, with a valid email address to report their email address to the board at the time of application, require a license or certificate holder to report their email address at the time of renewal, and require applicants and licensees to notify the board of any change to an email address, as specified. The bill would authorize the board to
require applicants and licensees to confirm that the filed email address is current, as the board deems necessary. The bill would, bill, in the interest of protecting the privacy of applicants and licensees, certificate or license holders, would prohibit from the public disclosure all email addresses provided by applicants or licensees.

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

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

This bill would repeal that provision.

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

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

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

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

(5) Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified.
This bill would, starting January 1, 2023, instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive changes.

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

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

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

This bill would make legislative findings to that effect.


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

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

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

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

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

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed
as a professional engineer, a licensed land surveyor, a licensed
architect, or a geologist registered under the Geologist and
Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
Any offer, promotion, or advertisement by the business that
contains the name of any individual in the business, other than by
use of the name of an individual in the business name, shall clearly
and specifically designate the license or registration discipline of
each individual named.
  (b) An out-of-state business with a branch office in this state
shall meet the requirements of subdivision (a) and shall have an
owner, partner, or officer who is in charge of the engineering work
in the branch in this state, who is licensed in this state, and who is
physically present at the branch office in this state on a regular
basis. However, the name of the business may contain the name
of any person not licensed in this state if that person is
appropriately registered or licensed in another state. Any offer,
promotion, or advertisement that contains the name of any
individual in the business, other than by use of the names of the
individuals in the business name, shall clearly and specifically
designate the license or registration discipline of each individual
named.
  (c) The business name of a California engineering business may
be a fictitious name. However, if the fictitious name includes the
name of any person, the requirements of paragraph (3) of
subdivision (a) shall be met.
  (d) A person not licensed under this chapter may also be a
partner or an officer of a civil, electrical, or mechanical engineering
business if the requirements of subdivision (a) are met. This section
does not permit a person who is not licensed under this chapter to
be the sole owner of a civil, electrical, or mechanical engineering
business, unless otherwise exempt under this chapter.
  (e) This section shall not prevent the use of the name of any
business engaged in rendering civil, electrical, or mechanical
engineering services, including the use by any lawful successor
or survivor, that lawfully was in existence on December 31, 1987.
However, the business is subject to paragraphs (1) and (2) of
subdivision (a).
  (f) A business engaged in rendering civil, electrical, or
mechanical engineering services may use in its name the name of
a deceased or retired person provided all of the following conditions are satisfied:

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

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

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

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

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

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

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

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

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

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:
(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

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

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

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

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.
(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

1. The person’s name had been used in the name of the business, or a predecessor in interest of the business, before and after the death or retirement of the person.
2. The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.
3. The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board if no place of business existed in this state.
4. The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use their name as the name of a new or purchased business if it is not identical in every respect to that person’s name as used in the former business.
5. The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

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

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

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

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

6767. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.
(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.

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

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

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

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

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

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

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

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

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

(f) Represents themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.
(g) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

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

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

(j) Violates any provision of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The person’s name had been used in the name of the business, or a predecessor in interest of the business, before the death or retirement of the person.

2. The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.

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

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

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

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

(h) A current or organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.
(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

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

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

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

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

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

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

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.
(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

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

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

1. The person’s name had been used in the name of the business, or a predecessor in interest of the business, before the death or retirement of the person.
2. The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.
3. The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.
4. The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use their name as the name of a new or purchased business, if that business is not identical in every respect to that person’s name as used in the former business.
5. The business shall be subject to paragraphs (1) and (2) of subdivision (a).

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

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

(i) This section shall become operative on January 1, 2026.
8753. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.
(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.
(c) Each applicant or certificate or license holder shall notify the board within 30 days of any change to their email address on file with the board. The board may periodically, as it determines necessary, require applicants and certificate or license holders to confirm that their email address on file with the board is current.
(d) In the interest of protecting the privacy of applicants and certificate or license holders, the email address provided to the board pursuant to this chapter shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), unless required pursuant to a court order by a court of competent jurisdiction.

SEC. 10. Section 8792 of the Business and Professions Code is amended to read:
8792. A person who does any of the following is guilty of a misdemeanor:
(a) Unless the person is exempt from licensure under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.
(b) Presents as their own the license of a professional land surveyor unless they are the person named on the license.
(c) Attempts to file as their own any record of survey under the license of a professional land surveyor.
(d) Gives false evidence of any kind to the board, or to any board member, in obtaining a license.
(e) Impersonates or uses the seal, signature, or license number of a professional land surveyor or who uses a false license number.
(f) Uses an expired, suspended, surrendered, or revoked license.
(g) Represents themselves as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless the person is correspondingly qualified by licensure as a land surveyor under this chapter.
(h) Uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

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

(j) Violates any provision of this chapter.

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

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

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

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

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

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

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

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

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

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

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

(8) “CSRC” means the California Spatial Reference Center or its successor.
(9) “CSRN” means the California Spatial Reference Network, as described in Chapter 3 (commencing with Section 8850), “Geodetic Datums and the California Spatial Reference Network.”

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

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

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

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

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

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

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

(A) CSRN station.

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

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

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

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

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

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

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

(ii) Meets all the requirements for inclusion in the CSRN, except that the station and its data are not published by NGS or CSRC.
(iii) Has an accuracy, conforming to the applicable CSRN requirements, stated for the station’s value.

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

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

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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 XIIIB of the California Constitution.

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

This act balances the public’s right to access records of the Board for Professional Engineers, Land Surveyors, and Geologists with the need to protect the privacy of applicants and licensees.
Status/History: 4/14/2022 – Set for hearing on 4/26/2022.
Location: 4/22/2022 – Senate Committee on Military and Veterans Affairs
Introduced: 2/17/2022
Amended: 3/30/2022
Board Position: Watch (as of 3/7/2022)
Board Staff Analysis: 4/22/2022

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

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

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

Staff Comment: Business and Professions Code section 114.3 requires the licensing boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. As introduced, this bill would have added a new subdivision to Section 114.3 that would require the Board to waive the renewal fees of a licensee called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee is stationed outside of California. Since Section 114.3 was enacted in 2013, the Board has received a few requests to waive the renewal fees pursuant to this section, which have been granted upon receipt of the required documentation. These waivers have been granted whether the person was stationed inside or outside of California. (The Board does not have continuing education or other renewal requirements beyond payment of the fee.)
SB 1237 was amended March 30, 2022, to remove the new subdivision described above relating to the addition of the phrase “stationed outside of California.” The bill was amended to instead provide a definition of “called to active duty,” as used in the bill. SB 1237 specifies that the phrase “called to active duty” the same meaning as “active duty” as defined in Section 101 of Title 10 of the United States Code and shall also apply to those on active duty with the California National Guard.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on SB 1237, as amended March 30, 2022.
An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST


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

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

This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.
“called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those provisions.


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

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

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

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

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

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

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

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

(2) If the licensee or registrant will provide services for which the licensee or registrant is licensed while on active duty, the board
shall convert the license status to military active and no private practice of any type shall be permitted.

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

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

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

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

(g) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.
SB 1365 (Jones, R-El Cajon)
Licensing boards: procedures.

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

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

**Introduced:** 2/18/2022

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

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

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

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

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

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

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

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

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

**Staff Recommendation:** No action needed.
An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.
Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

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

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.
SECTI ON 1. Section 114.6 is added to the Business and Professions Code, to read:

114.6. (a) Each board within the department shall publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.

(b) The department shall do all of the following:

(1) (A) Establish a process to assist each board in developing its internet website in compliance with subdivision (a).

(B) As part of this process, the department shall disseminate materials to, and serve as a clearing house to, boards in order to provide guidance and best practices in assisting applicants with criminal convictions gain employment.

(2) (A) Develop a process for each board to use in verifying applicant information and performing background checks of applicants.

(B) In developing this process, the board may examine the model used for performing background checks of applicants established by the Department of Insurance. The process developed shall require applicants with convictions to provide certified court documents instead of listing convictions on application documents. This process shall prevent license denials due to unintentional reporting errors. This process shall also include procedures to expedite the fee-waiver process for any low-income applicant requesting a background check.

(3) (A) Develop a procedure to provide for an informal appeals process.

(B) In developing this informal appeals process, the department may examine the model for informal appeals used by the Bureau of Security and Investigative Services. The informal appeals
A process shall occur between an initial license denial and an administrative law hearing.
SB 1443 (Roth, D-Riverside)
The Department of Consumer Affairs.

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

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

Introduced: 2/18/2022

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

Board Staff Analysis: 4/22/2022

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

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

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

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

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

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

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

Staff Recommendation: No action needed.
SENATE BILL  No. 1443

Introduced by Senator Roth

February 18, 2022

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as introduced, Roth. The Department of Consumer Affairs. Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

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

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis.
This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024.


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

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

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

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

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

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

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

1616.5. (a) The board, by and with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter.
(b) This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed.

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

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

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

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

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

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

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

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

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

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

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.
This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

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

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

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

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

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

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3 of Division 3. Whenever in this chapter “board” is used, it refers to the California Architects Board.

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

(c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.
(d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.
(e) This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed.

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

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.
(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.
(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of the member’s successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.
(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.
(e) This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed.

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

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect’s license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.
(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.
(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.
(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee’s activities.
(e) This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed.

SEC. 10. Section 6710 of the Business and Professions Code is amended to read:
6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members.
(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors, or the Board for Professional Engineers and Land Surveyors, is deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.
(c) This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 11. Section 6714 of the Business and Professions Code is amended to read:
6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.
This section shall remain in effect only until January 1, 2024, January 1, 2025, and as of that date is repealed.

SEC. 12. Section 6981 of the Business and Professions Code is amended to read:
6981. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2024, January 1, 2025.

SEC. 13. Section 7000.5 of the Business and Professions Code is amended to read:
7000.5. (a) There is in the Department of Consumer Affairs a Contractors State License Board, which consists of 15 members.
(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

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

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

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

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

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

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

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

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

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

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

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

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

7576. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review
by the appropriate policy committees of the Legislature. The review
shall be performed as if this chapter were scheduled to be repealed
as of January 1, 2024.

SEC. 18. Section 7588.8 of the Business and Professions Code
is amended to read:
7588.8. Notwithstanding any other law, the powers and duties
of the bureau, as set forth in this chapter, shall be subject to review
by the appropriate policy committees of the Legislature. The review
shall be performed as if this chapter were scheduled to be repealed
as of January 1, 2024.

SEC. 19. Section 7599.80 of the Business and Professions
Code is amended to read:
7599.80. Notwithstanding any other law, the powers and duties
of the bureau, as set forth in this chapter, shall be subject to review
by the appropriate policy committees of the Legislature. The review
shall be performed as if this chapter were scheduled to be repealed
as of January 1, 2024.

SEC. 20. Section 7602 of the Business and Professions Code
is amended to read:
7602. (a) (1) There is in the department the Cemetery and
Funeral Bureau, under the supervision and control of the director.
(2) The director may appoint a chief at a salary to be fixed and
determined by the director, with the approval of the Director of
Finance. The duty of enforcing and administering this chapter is
vested in the chief, and the chief is responsible to the director. The
chief shall serve at the pleasure of the director.
(3) Every power granted or duty imposed upon the director
under this chapter may be exercised or performed in the name of
the director by a deputy director or by the chief, subject to
conditions and limitations the director may prescribe.
(b) Notwithstanding any other law, the powers and duties of the
bureau, as set forth in this chapter, shall be subject to review by
the appropriate policy committees of the Legislature. The review
shall be performed as if this chapter is scheduled to be repealed
on January 1, 2024.

SEC. 21. Section 8000 of the Business and Professions Code
is amended to read:
8000. (a) There is in the Department of Consumer Affairs a
Court Reporters Board of California, which consists of five
members, three of whom shall be public members and two of
whom shall be holders of certificates issued under this chapter
who have been actively engaged as shorthand reporters within this
state for at least five years immediately preceding their
appointment.
(b) This section shall remain in effect only until January 1, 2024,
January 1, 2025, and as of that date is repealed.
(c) Notwithstanding any other law, repeal of this section renders
the board subject to review by the appropriate policy committees
of the Legislature.
SEC. 22. Section 8005 of the Business and Professions Code
is amended to read:
8005. (a) The Court Reporters Board of California is charged
with the executive functions necessary for effectuating the purposes
of this chapter. It may appoint committees as it deems necessary
or proper. The board may appoint, prescribe the duties, and fix the
salary of an executive officer. Except as provided by Section 159.5,
the board may also employ other employees as may be necessary,
subject to civil service and other law.
(b) This section shall remain in effect only until January 1, 2024,
January 1, 2025, and as of that date is repealed.
SEC. 23. Section 9812.5 of the Business and Professions Code
is amended to read:
9812.5. The director shall gather evidence of violations of this
chapter and of any regulation established hereunder by any service
contractor, whether registered or not, and by any employee, partner,
officer, or member of any service contractor. The director shall,
on his or her own initiative, conduct spot check investigations
of service contractors throughout the state on a continuous basis.
This section shall remain in effect only until January 1, 2023,
January 1, 2024, and as of that date is repealed.
SEC. 24. Section 9832.5 of the Business and Professions Code
is amended to read:
9832.5. (a) Registrations issued under this chapter shall expire
no more than 12 months after the issue date. The expiration date
of registrations shall be set by the director in a manner to best
distribute renewal procedures throughout the year.
(b) To renew an unexpired registration, the service contractor
shall, on or before the expiration date of the registration, apply for
renewal on a form prescribed by the director, and pay the renewal
fee prescribed by this chapter.
To renew an expired registration, the service contractor shall apply for renewal on a form prescribed by the director, pay the renewal fee in effect on the last regular renewal date, and pay all accrued and unpaid delinquency and renewal fees.

Renewal is effective on the date that the application is filed, the renewal fee is paid, and all delinquency fees are paid.

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

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

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

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

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

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

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

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

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

9849. (a) The expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing on a cease and desist order against a service dealer or to
render a decision to suspend, revoke, or place on probation a
registration.
(b) This section shall become operative on January 1, 2023.
January 1, 2024.
SEC. 28. Section 9851 of the Business and Professions Code,
as amended by Section 14 of Chapter 578 of the Statutes of 2018,
is amended to read:
9851. (a) The superior court in and for the county wherein any
person carries on, or attempts to carry on, business as a service
dealer or service contractor in violation of the provisions of this
chapter, or any regulation thereunder, shall, on application of the
director, issue an injunction or other appropriate order restraining
that conduct.
(b) The proceedings under this section shall be governed by
Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
the Code of Civil Procedure, except that the director shall not be
required to allege facts necessary to show or tending to show lack
of an adequate remedy at law or irreparable injury.
(c) This section shall remain in effect only until January 1, 2023;
January 1, 2024, and as of that date is repealed.
SEC. 29. Section 9851 of the Business and Professions Code,
as amended by Section 15 of Chapter 578 of the Statutes of 2018,
is amended to read:
9851. (a) The superior court in and for the county wherein any
person carries on, or attempts to carry on, business as a service
dealer in violation of the provisions of this chapter, or any
regulation thereunder, shall, on application of the director, issue
an injunction or other appropriate order restraining that conduct.
(b) The proceedings under this section shall be governed by
Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
the Code of Civil Procedure, except that the director shall not be
required to allege facts necessary to show or tending to show lack
of an adequate remedy at law or irreparable injury.
(c) This section shall become operative on January 1, 2023.
January 1, 2024.
SEC. 30. Section 9853 of the Business and Professions Code,
as amended by Section 16 of Chapter 578 of the Statutes of 2018,
is amended to read:
9853. (a) A plea or verdict of guilty or a conviction following
a plea of nolo contendere made to a charge substantially related
to the qualifications, functions, and duties of a service dealer or service contractor is deemed to be a conviction within the meaning of this article. The director may suspend, revoke, or place on probation a registration, or may deny registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code, allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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

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

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

(b) This section shall become operative on January 1, 2023, January 1, 2024.

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

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

SEC. 33. Section 9860 of the Business and Professions Code, as amended by Section 22 of Chapter 578 of the Statutes of 2018, is amended to read:
9860. (a) The director shall establish procedures for accepting complaints from the public against any service dealer or service contractor.
(b) This section shall remain in effect only until January 1, 2023, January 1, 2024, and as of that date is repealed.

SEC. 34. Section 9860 of the Business and Professions Code, as amended by Section 23 of Chapter 578 of the Statutes of 2018, is amended to read:
9860. (a) The director shall establish procedures for accepting complaints from the public against any service dealer.
(b) This section shall become operative on January 1, 2023, January 1, 2024.

SEC. 35. Section 9862.5 of the Business and Professions Code is amended to read:
9862.5. (a) If a complaint indicates a possible violation of this chapter or of the regulations adopted pursuant to this chapter, the director may advise the service contractor of the contents of the complaint and, if the service contractor is so advised, the director shall make a summary investigation of the facts after the service contractor has had reasonable opportunity to reply thereto.
(b) This section shall remain in effect only until January 1, 2023, January 1, 2024, and as of that date is repealed.

SEC. 36. Section 9863 of the Business and Professions Code, as amended by Section 25 of Chapter 578 of the Statutes of 2018, is amended to read:
9863. (a) If, upon summary investigation, it appears probable to the director that a violation of this chapter, or the regulations thereunder, has occurred, the director, in his or her discretion, may suggest measures that in the director’s judgment would compensate the complainant for the damages he or she has suffered as a result of the alleged violation. If the service dealer or service contractor accepts the director’s suggestions and performs accordingly, the director shall give that fact due consideration in any subsequent disciplinary proceeding. If the service dealer or service contractor declines to abide by the suggestions of the director, the director may investigate further and may institute disciplinary proceedings in accordance with the provisions of this chapter.
(b) This section shall remain in effect only until January 1, 2023, January 1, 2024, and as of that date is repealed.
SEC. 37. Section 9863 of the Business and Professions Code, as amended by Section 26 of Chapter 578 of the Statutes of 2018, is amended to read:

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

(b) This section shall become operative on January 1, 2023.

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

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

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

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

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

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

(3) Public safety.

(4) Past experience in the activity regulated by this chapter, either as a contestant, a referee or official, a promoter, or a venue operator.

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

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

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

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

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

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

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

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

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

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

(3) The commission may employ an assistant chief athletic inspector. If the commission employs an assistant chief athletic inspector, the assistant chief athletic inspector shall assist the chief athletic inspector in exercising the powers and performing the
(4) The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

(b) This section shall remain in effect only until January 1, 2024; January 1, 2025, and as of that date is repealed.
SB 1487 (Rubio, D-West Covina)
Commission on Teacher Credentialing: survey: teachers exiting the profession.

Status/History: 4/20/2022 – Amended and re-referred to the Senate Committee on Education.
Location: 4/22/2022 – Senate Committee on Education
Introduced: 2/18/2022
Last Amended: 4/20/2022
Board Position: Watch (as of 3/7/2022)
Board Staff Analysis: 4/22/2022

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

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

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

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

Staff Recommendation: Staff recommends the Board remove its position of “Watch” on SB 1487 and take no position on SB 1487, as amended April 20, 2022.
An act to add Section 44259.11 44223 to the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST


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

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

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

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

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

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


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

SECTION 1. Section 44223 is added to the Education Code, to read:

(a) (1) The commission shall develop a survey no later than July 1, 2023, for purposes of collecting data from teachers of local educational agencies exiting the profession.
(2) In developing the survey pursuant to paragraph (1), the commission shall gather input from education stakeholders.

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

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

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

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

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

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

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

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

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

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

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

(3) Individuals interested in becoming teachers face any number of impediments and barriers to acquiring a teaching credential;
chief among them the cost of acquiring a credential and the time required.

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

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

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

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

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

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

(d) The Integrated Undergraduate Credentialing Tuition Grant Fund is hereby established in the State Treasury. The fund shall be funded through an appropriation from the General Fund in the annual Budget Act. Appropriated funds shall not count towards the minimum state school funding obligation pursuant to
subdivision (b) of Section 8 of Article XVI of the California Constitution.
Status/History: 4/18/2022 – From Senate Committee on Business, Professions and Economic Development: Do pass and re-refer to Committee on Appropriations with recommendation to consent calendar. Re-referred to Committee on Appropriations.

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

Introduced: 3/15/2022

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

Board Staff Analysis: 4/22/2022

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

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

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

Staff Recommendation: Staff recommends the Board take a position of “Support” on SB 1495.
SENATE BILL No. 1495

Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)

March 15, 2022

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

LEGISLATIVE COUNSEL’S DIGEST

SB 1495, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Chapter 143 of the Statutes of 2021 renamed the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information, and requires any reference to the office to be deemed a reference to the department.

This bill would update the name of the department in provisions relating to healing arts that reference the office.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California within the Department of Consumer Affairs for the licensure and regulation of dental hygienists. Under existing law, a licensee is required, as a condition of license renewal, to submit, and certify under penalty of perjury, assurances satisfactory to the board
that they will, during the succeeding 2-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses, as specified.

Under this bill, the assurances required as a condition of license renewal would be that the licensee had, during the preceding 2-year period, informed themselves of those developments, as specified. By changing what assurances a licensee is required to submit to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law creates the Physician Assistant Fund and makes all money in the fund available, upon appropriation of the Legislature, to carry out the provisions of the act. Existing law requires the Medical Board of California to report to the Controller the amount and source of all collections made under the act and to pay all those sums into the State Treasury, where they are required to be credited to the fund. Chapter 649 of the Statutes of 2021 removed the provision that placed the Physician Assistant Board within the jurisdiction of the Medical Board of California.

This bill would remove those reporting and payment requirements from the Medical Board of California, and would, instead, impose them on the Physician Assistant Board.

(4) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board in the Department of Consumer Affairs for the licensure and regulation of veterinarians. Existing law requires a licensee to biennially apply for renewal of their license, and requires the board to issue renewal to those applicants that have completed a minimum of 36 hours of continuing education in the preceding 2 years. Existing law generally requires continuing education hours to be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by certain entities.

This bill would delete an obsolete provision relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

(5) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to regulate various registrants and licensees under prescribed acts, including the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, the Licensed Professional Clinical Counselor Act, and the
Educational Psychologist Practice Act. Under the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, applicants for licensure are required to complete a certain amount of supervised experience and direct supervisor contact. Existing law defines “supervisor” for purposes of those acts to mean an individual who meets certain requirements, including, among others, having, for at least 2 years within the 5-year period immediately preceding any supervision, practiced psychotherapy, provided psychological counseling pursuant to a provision of the Educational Psychologist Practice Act, or provided specified direct clinical supervision of psychotherapy.

This bill would correct erroneous cross-references to the provision of the Educational Psychologist Practice Act mentioned above.

(6) Existing law, the Geologist and Geophysicist Act, requires the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to administer its provision relating to the licensure and regulation of geologists and geophysicists. Existing law requires an applicant for certification as a geologist-in-training to meet certain requirements, including either of 2 education requirements fulfilled at a school or university whose curricula meet criteria established by the board. Under the bill, the board would not be required to verify an applicant’s eligibility for certification as a geologist-in-training except that an applicant for certification as a geologist-in-training would be required to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the above-described education requirements and the rules of the board. By requiring an applicant to submit an attestation to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(7) Existing federal law, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (“SAFE Act”), encourages states to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, as specified.

Existing state law, the Real Estate Law, governs the licensing and regulation of real estate licensees, as defined, as administered by the Real Estate Commissioner. Existing law, the California Residential Mortgage Lending Act, regulates the business of making residential
mortgage loans and servicing residential mortgage loans, and prohibits a person from engaging in these activities without first obtaining a license from the Commissioner of Financial Protection and Innovation. Existing law, the California Financing Law, provides for the licensure and regulation of finance lenders, brokers, and specified program administrators by the Commissioner of Financial Protection and Innovation.

Existing law requires certain licensees under the Real Estate Law, the California Financing Law, and the California Residential Mortgage Lending Act, including mortgage loan originators, to also be licensed and registered through, and regulated by, the Nationwide Mortgage Licensing System and Registry. Existing law requires the Real Estate Commissioner and the Commissioner of Financial Protection and Innovation to regularly report violations of specified state law provisions implementing the SAFE Act and specified enforcement actions to the Nationwide Mortgage Licensing System and Registry. Existing law authorizes those commissioners to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process certain fees.

This bill would instead refer to the Nationwide Mortgage Licensing System and Registry in the provisions of the Real Estate Law as the “Nationwide Multistate Licensing System and Registry.” The bill would make various nonsubstantive changes to the Real Estate Law, including correcting erroneous cross-references.

Existing law requires an applicant for an original real estate broker license examination to successfully complete courses of study in specified subjects, including real estate practice and legal aspects of real estate. Existing law also requires an applicant for a real estate salesperson license examination or for both the examination and license to successfully complete courses of study in specified subjects, including real estate principles and real estate practice. Existing law, beginning January 1, 2023, revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and revises the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws, as specified.

This bill would include the component on state and federal fair housing laws in the real estate practice course instead of the legal aspects
of real estate course, and would further delay the revision to the real estate practice course until January 1, 2024.

(8) Under existing law, the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law authorizes the department to establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the Secretary of Food and Agriculture to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

Existing law requires that the state standards of weights and measures by which all state and county standards of weights and measures are required to be tried, proved, and sealed include, among other specified standards, metrological standards in the possession of laboratories certified to perform measurement services pursuant to the above-described law.

This bill would update the cross-reference to the law governing certification of laboratories to perform measurement services in the above-described provision.

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

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


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

SECTION 1. Section 1753.55 of the Business and Professions Code is amended to read:

1753.55. (a) A registered dental assistant in extended functions is authorized to perform the additional duties as set forth in subdivision (b) pursuant to the order, control, and full professional responsibility of a supervising dentist, if the licensee meets one of the following requirements:

1. Is licensed on or after January 1, 2010.

2. Is licensed prior to before January 1, 2010, and has successfully completed a board-approved course in the additional
procedures specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

(b) (1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental assistant in extended functions shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:

(A) In a dental office setting.

(B) In public health settings, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics, under the general supervision of a dentist.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office setting, under the direct or general supervision of a dentist as determined by the dentist.

(ii) In public health settings, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics, under the general supervision of a dentist.

(B) After the diagnosis, treatment plan, and instruction to perform the procedure provided by a dentist.

(c) The functions described in subdivision (b) may be performed by a registered dental assistant in extended functions only after completion of a program that includes training in performing those
functions, or after providing evidence, satisfactory to the board, of having completed a board-approved course in those functions.

(d) No later than January 1, 2018, the board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development, Department of Health Care Access and Information. The board shall submit to the committee proposed regulatory language for the curriculum for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for registered dental hygienists and registered dental hygienists in alternative practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional curriculum for the registered dental assistant in extended functions. Any subsequent amendments to the regulations that are promulgated by the board for the Interim Therapeutic Restoration curriculum shall be submitted to the committee.

(e) The board may issue a permit to a registered dental assistant in extended functions who files a completed application, including the fee, to provide the duties specified in this section after the board has determined the registered dental assistant in extended functions has completed the coursework required in subdivision (c).

(f) This section shall become operative on January 1, 2018.

SEC. 2. Section 1910.5 of the Business and Professions Code is amended to read:

1910.5. (a) In addition to the duties specified in Section 1910, a registered dental hygienist is authorized to perform the following additional duties, as specified:

(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental hygienist shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:

(A) In a dental office setting.

(B) In a public health setting, using telehealth, as defined by Section 2290.5, for the purpose of communication with the
supervising dentist, including, but not limited to, schools, head
start and preschool programs, and community clinics.

(2) Place protective restorations, which for this purpose are
identified as interim therapeutic restorations, and defined as a
direct provisional restoration placed to stabilize the tooth until a
licensed dentist diagnoses the need for further definitive treatment.
An interim therapeutic restoration consists of the removal of soft
material from the tooth using only hand instrumentation, without
the use of rotary instrumentation, and subsequent placement of an
adhesive restorative material. Local anesthesia shall not be
necessary for interim therapeutic restoration placement. Interim
therapeutic restorations shall be placed only in accordance with
both of the following:

(A) In either of the following settings:
   (i) In a dental office setting.
   (ii) In a public health setting, using telehealth, as defined by
Section 2290.5, for the purpose of communication with the
supervising dentist, including, but not limited to, schools, head
start and preschool programs, and community clinics.

(B) After the diagnosis, treatment plan, and instruction to
perform the procedure provided by a dentist.

(b) The functions described in subdivision (a) may be performed
by a registered dental hygienist only after completion of a program
that includes training in performing those functions, or after
providing evidence, satisfactory to the dental hygiene board, of
having completed a dental hygiene board-approved course in those
functions.

(c) No later than January 1, 2018, the dental hygiene board shall
adopt regulations to establish requirements for courses of
instruction for the procedures authorized to be performed by a
registered dental hygienist and registered dental hygienist in
alternative practice pursuant to Sections 1910.5 and 1926.05, using
the competency-based training protocols established by the Health
Workforce Pilot Project (HWPP) No. 172 through the Office of
Statewide Health Planning and Development, Department of Health
Care Access and Information. The dental hygiene board shall use
the curriculum submitted by the board pursuant to Section 1753.55
to adopt regulatory language for approval of courses of instruction
for the interim therapeutic restoration. Any subsequent amendments
to the regulations for the interim therapeutic restoration curriculum
that are promulgated by the dental hygiene board shall be agreed upon by the board and the dental hygiene board.

(d) This section shall become operative on January 1, 2018.

SEC. 3. Section 1922 of the Business and Professions Code is amended to read:

1922. The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor’s degree or its equivalent, recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education, from a college or institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Workforce Pilot Project No. 155 established by the Office of Statewide Health Planning and Development Department of Health Care Access and Information pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

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

1926. In addition to practices authorized in Section 1925, a registered dental hygienist in alternative practice may perform the
duties authorized pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910 in the following settings:
(a) Residences of the homebound.
(b) Schools.
(c) Residential facilities and other institutions and medical settings that a residential facility patient has been transferred to for outpatient services.
(d) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development Department of Health Care Access and Information in accordance with existing office guidelines.
(e) Dental offices.

SEC. 5. Section 1926.01 of the Business and Professions Code is amended to read:
1926.01. (a) In addition to practices authorized in Section 1925, a registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivisions (a) and (b) of Section 1909 with documented consultation with a collaborating dentist in the following settings:
(1) Residences of the homebound.
(2) Residential facilities and other institutions and medical settings that a residential facility patient has been transferred to for outpatient services.
(3) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development Department of Health Care Access and Information in accordance with existing office guidelines.
(4) Dental offices.
(b) The registered dental hygienist in alternative practice shall have all of the following immediately available when services authorized in this section are being performed:
(1) One additional individual trained in basic life support qualified to administer cardiopulmonary resuscitation during an emergency.
(2) Equipment and supplies for emergency response, including oxygen.

SEC. 6. Section 1926.05 of the Business and Professions Code is amended to read:
a registered dental hygienist in alternative practice is authorized to perform the duties pursuant to Section 1910.5, in the following settings:

1. Residences of the homebound.
2. Schools.
3. Residential facilities and other institutions.
4. Dental or medical settings.
5. Dental health professional shortage areas, as certified by the Department of Health Care Access and Information in accordance with existing office guidelines.

(b) A registered dental hygienist in alternative practice is authorized to perform the duties pursuant to paragraph (2) of subdivision (a) of Section 1910.5 in the settings specified in this section after there has been a diagnosis, treatment plan, and instruction to perform the procedure provided by a dentist.

SEC. 7. Section 1936.1 of the Business and Professions Code is amended to read:

1936.1. (a) The dental hygiene board shall require, as a condition of license renewal, that licensees submit assurances satisfactory to the dental hygiene board that they will, had, during the succeeding preceding two-year period, informed themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the dental hygiene board, or by other means deemed equivalent by the dental hygiene board. The dental hygiene board shall adopt, amend, and revoke regulations providing for the suspension of the licenses at the end of the two-year period until compliance with the assurances provided for in this section is accomplished. The dental hygiene board shall conduct random audits of at least 5 percent of the licensee population each year to ensure compliance of the continuing education requirement.

(b) The dental hygiene board shall also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the dental hygiene board. The dental hygiene board may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The
mandatory coursework prescribed by the dental hygiene board shall not exceed seven and one-half hours per renewal period. Any mandatory coursework required by the dental hygiene board shall be credited toward the continuing education requirements established by the dental hygiene board pursuant to subdivision (a).

(c) The providers of courses referred to in this section shall be approved by the dental hygiene board. Providers approved by the dental board shall be deemed approved by the dental hygiene board.

SEC. 8. Section 2240 of the Business and Professions Code is amended to read:

2240. (a) A physician and surgeon who performs a medical procedure outside of a general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that results in the death of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon’s orders or supervision, shall report, in writing on a form prescribed by the board, that occurrence to the board within 15 days after the occurrence.

(b) A physician and surgeon who performs a scheduled medical procedure outside of a general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that results in the transfer to a hospital or emergency center for medical treatment for a period exceeding 24 hours, of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon’s orders or supervision, shall report, in writing, on a form prescribed by the board that occurrence, within 15 days after the occurrence. The form shall contain all of the following information:

(1) Name of the patient’s physician in the outpatient setting.
(2) Name of the physician with hospital privileges.
(3) Name of the patient and patient identifying information.
(4) Name of the hospital or emergency center where the patient was transferred.
(5) Type of outpatient procedures being performed.
(6) Events triggering the transfer.
(7) Duration of the hospital stay.
(8) Final disposition or status, if not released from the hospital, of the patient.
(9) Physician’s practice specialty and ABMS certification, if applicable.

(c) The form described in subdivision (b) shall be constructed in a format to enable the physician and surgeon to transmit the information in paragraphs (5) to (9), inclusive, to the board in a manner that the physician and surgeon and the patient are anonymous and their identifying information is not transmitted to the board. The entire form containing information described in paragraphs (1) to (9), inclusive, shall be placed in the patient’s medical record.

(d) The board shall aggregate the data and publish an annual report on the information collected pursuant to subdivisions (a) and (b).

(e) On and after January 1, 2002, the data required in subdivision (b) shall be sent to the Office of Statewide Health Planning and Development (OSHPD) Department of Health Care Access and Information instead of the board. OSHPD The Department of Health Care Access and Information may revise the reporting requirements to fit state and national standards, as applicable. The board shall work with OSHPD the Department of Health Care Access and Information in developing the reporting mechanism to satisfy the data collection requirements of this section.

(f) The failure to comply with this section constitutes unprofessional conduct.

SEC. 9. Section 2401 of the Business and Professions Code is amended to read:

2401. (a) Notwithstanding Section 2400, a clinic operated primarily for the purpose of medical education by a public or private nonprofit university medical school, which is approved by the board or the Osteopathic Medical Board of California, may charge for professional services rendered to teaching patients by licensees who hold academic appointments on the faculty of the university, if the charges are approved by the physician and surgeon in whose name the charges are made.

(b) Notwithstanding Section 2400, a clinic operated under subdivision (p) of Section 1206 of the Health and Safety Code may employ licensees and charge for professional services rendered by those licensees. However, the clinic shall not interfere with, control, or otherwise direct the professional judgment of a
physician and surgeon in a manner prohibited by Section 2400 or any other law.

(c) Notwithstanding Section 2400, a narcotic treatment program operated under Section 11876 of the Health and Safety Code and regulated by the State Department of Health Care Services, may employ licensees and charge for professional services rendered by those licensees. However, the narcotic treatment program shall not interfere with, control, or otherwise direct the professional judgment of a physician and surgeon in a manner prohibited by Section 2400 or any other law.

(d) Notwithstanding Section 2400, a hospital that is owned and operated by a licensed charitable organization, that offers only pediatric subspecialty care, that, prior to January 1, 2013, employed licensees on a salary basis, and that has not charged for professional services rendered to patients may, commencing January 1, 2013, charge for professional services rendered to patients, provided the following conditions are met:

1. The hospital does not increase the number of salaried licensees by more than five licensees each year.
2. The hospital does not expand its scope of services beyond pediatric subspecialty care.
3. The hospital accepts each patient needing its scope of services regardless of his or her ability to pay, including whether the patient has any form of health care coverage.
4. The medical staff concur by an affirmative vote that the licensee’s employment is in the best interest of the communities served by the hospital.
5. The hospital does not interfere with, control, or otherwise direct a physician and surgeon’s professional judgment in a manner prohibited by Section 2400 or any other law.

(e) (1) Notwithstanding Section 2400, until January 1, 2024, a federally certified critical access hospital may employ licensees and charge for professional services rendered by those licensees to patients, provided both of the following conditions are met:

A. The medical staff concur by an affirmative vote that the licensee’s employment is in the best interest of the communities served by the hospital.

B. The hospital does not interfere with, control, or otherwise direct a physician and surgeon’s professional judgment in a manner prohibited by Section 2400 or any other law.
(2) (A) On or before July 1, 2023, the Department of Health Care Access and Information shall provide a report to the Legislature containing data about the impact of paragraph (1) on federally certified critical access hospitals and their ability to recruit and retain physicians and surgeons between January 1, 2017, and January 1, 2023, inclusive. This report shall be submitted in compliance with Section 9795 of the Government Code. The requirement for submitting a report imposed under this subparagraph is inoperative on July 1, 2027.

(B) The Department of Health Care Access and Information shall determine the format of the report, as well as the methods and data elements to be utilized in the development of the report.

(C) On and after July 1, 2017, a federally certified critical access hospital that is employing licensees and charging for professional services rendered by those licensees to patients under this section shall submit to the office, on or before July 1 of each year, a report for any year in which that hospital has employed or is employing licensees and charging for professional services rendered by those licensees to patients. The report shall include data elements as required by the office and shall be submitted in a format as required by the Department of Health Care Access and Information. The requirement for submitting reports imposed under this subparagraph shall be inoperative on July 1, 2023.

SEC. 10. Section 2435.1 of the Business and Professions Code is amended to read:

2435.1. (a) In addition to the fees charged for the initial issuance or biennial renewal of a physician and surgeon’s certificate pursuant to Section 2435, and at the time those fees are charged, the board shall charge each applicant or renewing licensee an additional twenty-five dollar ($25) fee for the purposes of this section.

(b) Payment of this twenty-five dollar ($25) fee shall be voluntary, paid at the time of application for initial licensure or biennial renewal, and due and payable along with the fee for the initial certificate or biennial renewal.

(c) The board shall transfer all funds collected pursuant to this section, on a monthly basis, to the Department of Health Care Access and Information.
and Information to augment the local assistance line item of the annual Budget Act in support of the Song-Brown Family Physician Training Act (Article 1 (commencing with Section 128200) of Chapter 4 of Part 3 of Division 107 of the Health and Safety Code).

SEC. 11. Section 2516 of the Business and Professions Code is amended to read:

2516. (a) Each licensed midwife who assists, or supervises a student midwife in assisting, in childbirth that occurs in an out-of-hospital setting shall annually report to the Office of Statewide Health Planning and Development, Department of Health Care Access and Information. The report shall be submitted no later than March 30, for the prior calendar year, in a form specified by the board and shall contain all of the following:

1. The midwife’s name and license number.
2. The calendar year being reported.
3. The following information with regard to cases in California in which the midwife, or the student midwife supervised by the midwife, assisted during the previous year when the intended place of birth at the onset of care was an out-of-hospital setting:
   (A) The total number of clients served as primary caregiver at the onset of care.
   (B) The number by county of live births attended as primary caregiver.
   (C) The number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended as primary caregiver at the discovery of the demise or death.
   (D) The number of women whose primary care was transferred to another health care practitioner during the antepartum period, and the reason for each transfer.
   (E) The number, reason, and outcome for each elective hospital transfer during the intrapartum or postpartum period.
   (F) The number, reason, and outcome for each urgent or emergency transport of an expectant mother in the antepartum period.
   (G) The number, reason, and outcome for each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period.
   (H) The number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting.
(I) The number of planned out-of-hospital births completed in an out-of-hospital setting that were any of the following:

(i) Twin births.
(ii) Multiple births other than twin births.
(iii) Breech births.
(iv) Vaginal births after the performance of a cesarean section.

(J) A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate.

(K) Any other information prescribed by the board in regulations.

(b) The Office of Statewide Health Planning and Development Department of Health Care Access and Information shall maintain the confidentiality of the information submitted pursuant to this section, and shall not permit any law enforcement or regulatory agency to inspect or have copies made of the contents of any reports submitted pursuant to subdivision (a) for any purpose, including, but not limited to, investigations for licensing, certification, or regulatory purposes.

(c) The office Department of Health Care Access and Information shall report to the board, by April 30, those licensees who have met the requirements of subdivision (a) for that year.

(d) The board shall send a written notice of noncompliance to each licensee who fails to meet the reporting requirement of subdivision (a). Failure to comply with subdivision (a) will result in the midwife being unable to renew his or her license without first submitting the requisite data to the Office of Statewide Health Planning and Development Department of Health Care Access and Information for the year for which that data was missing or incomplete. The board shall not take any other action against the licensee for failure to comply with subdivision (a).

(e) The board, in consultation with the office Department of Health Care Access and Information and the Midwifery Advisory Council, shall devise a coding system related to data elements that require coding in order to assist in both effective reporting and the aggregation of data pursuant to subdivision (f). The office Department of Health Care Access and Information shall utilize this coding system in its processing of information collected for purposes of subdivision (f).

(f) The office Department of Health Care Access and Information shall report the aggregate information collected
pursuant to this section to the board by July 30 of each year. The board shall include this information in its annual report to the Legislature.

(g) The board, with input from the Midwifery Advisory Council, may adjust the data elements required to be reported to better coordinate with other reporting systems, including the reporting system of the Midwives Alliance of North America (MANA), while maintaining the data elements unique to California. To better capture data needed for the report required by this section, the concurrent use of systems, including MANA’s, by licensed midwives is encouraged.

(h) Notwithstanding any other law, a violation of this section shall not be a crime.

SEC. 12. Section 2725.4 of the Business and Professions Code is amended to read:

2725.4. Notwithstanding any other provision of this chapter, the following shall apply:

(a) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife shall complete training recognized by the Board of Registered Nursing. Beginning January 1, 2014, and until January 1, 2016, the competency-based training protocols established by Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development shall be used.

(b) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife shall adhere to standardized procedures developed in compliance with subdivision (c) of Section 2725 that specify all of the following:

1. The extent of supervision by a physician and surgeon with relevant training and expertise.

2. Procedures for transferring patients to the care of the physician and surgeon or a hospital.

3. Procedures for obtaining assistance and consultation from a physician and surgeon.

4. Procedures for providing emergency care until physician assistance and consultation are available.
(5) The method of periodic review of the provisions of the standardized procedures.

(c) A nurse practitioner or certified nurse-midwife who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253, in adherence to standardized procedures described in subdivision (b).

(d) It is unprofessional conduct for any nurse practitioner or certified nurse-midwife to perform an abortion by aspiration techniques pursuant to Section 2253 without prior completion of training and validation of clinical competency.

SEC. 13. Section 2746.55 of the Business and Professions Code is amended to read:

2746.55. (a) For all maternal or neonatal transfers to the hospital setting during labor or the immediate postpartum period, for which the intended place of birth was an out-of-hospital setting at the onset of labor, or for any maternal, fetal, or neonatal death that occurred in the out-of-hospital setting during labor or the immediate postpartum period, and for which the intended birth care provider is a certified nurse-midwife in the out-of-hospital setting, the department shall collect, and the certified nurse-midwife shall be required to submit, within 90 days of the transfer or death, the following data in the form determined by the department. The data shall include all of the following:

(1) Attendant’s name, for the certified nurse-midwife who attended the patient at the time of transfer, or who attended the patient at the time of maternal, fetal, or neonatal death.

(2) Attendant’s license number, for the certified nurse-midwife who attended the patient at the time of transfer, or who attended the patient at the time of maternal, fetal, or neonatal death.

(3) The child’s date of delivery for births attended by the nurse-midwife.

(4) The sex of the child, for births attended by the nurse-midwife.

(5) The date of birth of the parent giving birth.

(6) The date of birth of the parent not giving birth.

(7) The residence ZIP Code of the parent giving birth.

(8) The residence county of the parent giving birth.

(9) The weight of the parent giving birth (prepregnancy weight and delivery weight of parent giving birth).
(10) The height of the parent giving birth.
(11) The race and ethnicity of the genetic parents, unless the parent declines to disclose.
(12) The obstetric estimate of gestation (completed weeks), at time of transfer.
(13) The total number of prior live births.
(14) The principal source of payment code for delivery.
(15) Any complications and procedures of pregnancy and concurrent illnesses up until time of transfer or death.
(16) Any complications and procedures of labor and delivery up until time of transfer or death.
(17) Any abnormal conditions and clinical procedures related to the newborn up until time of transfer or death.
(18) Fetal presentation at birth, or up until time of transfer.
(19) Whether this pregnancy is a multiple pregnancy (more than one fetus this pregnancy).
(20) Whether the patient has had a previous cesarean section.
(21) If the patient had a previous cesarean, indicate how many.
(22) The intended place of birth at the onset of labor, including, but not limited to, home, freestanding birth center, hospital, clinic, doctor’s office, or other location.
(23) Whether there was a maternal death.
(24) Whether there was a fetal death.
(25) Whether there was a neonatal death.
(26) Hospital transfer during the intrapartum or postpartum period, including, who was transferred (mother, infant, or both) and the complications, abnormal conditions, or other indications that resulted in the transfer.
(27) The name of the transfer hospital, or other hospital identification method as required, such as the hospital identification number.
(28) The county of the transfer hospital.
(29) The ZIP Code of the transfer hospital.
(30) The date of the transfer.
(31) Other information as prescribed by the State Department of Public Health.
(b) In the event of a maternal, fetal, or neonatal death that occurred in an out-of-hospital setting during labor or the immediate postpartum period, a certified nurse-midwife shall submit to the
department, within 90 days of the death, all of the following data in addition to the data required in subdivision (a):

(1) The date of the maternal, neonatal, or fetal death.
(2) The place of delivery, for births attended by the nurse-midwife.
(3) The county of the place of delivery, for births attended by the nurse-midwife.
(4) The ZIP Code of the place of delivery, for births attended by the nurse-midwife.
(5) The APGAR scores, for births attended by the nurse-midwife.
(6) The birthweight, for births attended by the nurse-midwife.
(7) The method of delivery, for births attended by the nurse-midwife.

(c) The data submitted pursuant to subdivisions (a) and (b) shall be in addition to the certificate of live birth information required pursuant to Sections 102425 and 102426 of the Health and Safety Code.

(d) For those cases that involve a hospital transfer, the department shall link the data submitted by the certified nurse-midwife, pursuant to subdivision (a), to the live birth data reported by hospitals to the department, pursuant to Sections 102425 and 102426 of the Health and Safety Code, and to the patient discharge data that reflects the birth hospitalization and reported by hospitals to the Office of Statewide Health Planning and Development, Department of Health Care Access and Information, so that additional data reflecting the outcome can be incorporated into the aggregated reports submitted pursuant to subdivision (i).

(e) The department may adjust, improve, or expand the data elements required to be reported pursuant to subdivisions (a) and (b) to better coordinate with other data collection and reporting systems, or in order to collect more accurate data, as long as the minimum data elements in subdivisions (a) and (b) are preserved.

(f) The department shall treat the information and data gathered pursuant to this section, for the creation of the reports described in subdivision (i), as confidential records, and shall not permit the disclosure of any patient or certified nurse-midwife information to any law enforcement or regulatory agency for any purpose, including, but not limited to, investigations for licensing,
certification, or regulatory purposes. This subdivision shall not prevent the department from responding to inquiries from the Board of Registered Nursing as to whether a licensee has reported pursuant to this section.

(g) The information collected by the department pursuant to this section, and not otherwise subject to current confidentiality requirements, shall be treated as confidential records and shall only be made available for use consistent with paragraph (1) of, paragraph (4) of, and subparagraph (A) of paragraph (8) of, subdivision (a) of Section 102430 of the Health and Safety Code and pursuant to the application, review, and approval process established by the department pursuant to Section 102465 of the Health Safety Code.

(h) At the time of each certified nurse-midwife’s license renewal, the Board of Registered Nursing shall send a written notification to the certified nurse-midwife notifying them of the mandated vital records reporting requirements for out-of-hospital births pursuant to subdivisions (a) and (b) and Section 102415 of the Health and Safety Code and that a violation of this section shall subject the certified nurse-midwife to disciplinary or administrative action by the board.

(i) (1) The department shall report to the Legislature on the data collected pursuant to this section. The report shall include the aggregate information, including, but not limited to, birth outcomes of patients under the care of a certified nurse-midwife in an out-of-hospital setting at the onset of labor, collected pursuant to this section and Sections 102425 and 102426 of the Health and Safety Code.

(2) The first report, to reflect a 12-month period of time, shall be submitted no later than four and one-half years after the State Department of Public Health receives an appropriation as specified in subdivision subdivision (m) and each subsequent report reflecting a 12-month reporting period shall be submitted annually to the Legislature every year thereafter.

(3) A report required under this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(j) All reports, including those submitted to the Legislature or made publicly available, shall utilize standard public health reporting practices for accurate dissemination of these data elements, specifically in regards to the reporting of small numbers
in a way that does not risk a confidentiality or other disclosure
breach. No identifying information in regards to the patient or the
nurse-midwife shall be disclosed in the reports submitted pursuant
to subdivision (i).
(k) A violation of this section shall subject the certified
nurse-midwife to disciplinary or administrative action by the Board
of Registered Nursing.
(l) For purposes of this section, “department” means the State
Department of Public Health.
(m) This section shall become operative only upon the
Legislature making an appropriation to implement the provisions
of this section.
SEC. 14. Section 2786.3 of the Business and Professions Code
is amended to read:
2786.3. (a) Until the end of the 2021–22 academic year, and
whenever the Governor declares a state of emergency for a county
in which an agency or facility used by an approved nursing
program for direct patient care clinical practice is located and is
no longer available due to the conditions giving rise to the state
of emergency, the director of the approved nursing program may
submit to a board nursing education consultant requests to do any
of the following:
(1) Utilize a clinical setting during the state of emergency or
until the end of the academic term without the following:
(A) Approval by the board.
(B) Written agreements with the clinical facility.
(C) Submitting evidence of compliance with board regulations
relating to the utilization of clinical settings, except as necessary
for a board nursing education consultant to ensure course objectives
and faculty responsibilities will be met.
(2) Utilize preceptorships during the state of emergency or until
the end of the academic term without having to maintain written
policies relating to the following:
(A) Identification of criteria used for preceptor selection.
(B) Provision for a preceptor orientation program that covers
the policies of the preceptorship and preceptor, student, and faculty
responsibilities.
(C) Identification of preceptor qualifications for both the primary
and the relief preceptor.
(D) Description of responsibilities of the faculty, preceptor, and student for the learning experiences and evaluation during preceptorship.

(E) Maintenance of preceptor records that includes names of all current preceptors, registered nurse licenses, and dates of preceptorships.

(F) Plan for an ongoing evaluation regarding the continued use of preceptors.

(3) Request that the approved nursing program be allowed to reduce the required number of direct patient care hours to 50 percent in geriatrics and medical-surgical and 25 percent in mental health-psychiatric nursing, obstetrics, and pediatrics if all of the following conditions are met:

(A) No alternative agency or facility has a sufficient number of open placements that are available and accessible within 25 miles of the approved nursing program for direct patient care clinical practice hours in the same subject matter area. An approved nursing program shall submit, and not be required to provide more than, the following:

(i) The list of alternative agencies or facilities listed within 25 miles of the impacted approved nursing program, campus, or location, as applicable, using the facility finder on the Office of Statewide Health Planning and Development’s Department of Health Care Access and Information’s internet website.

(ii) The list of courses impacted by the loss of clinical placements due to the state of emergency and the academic term the courses are offered.

(iii) Whether each of the listed alternative agencies or facilities would meet the course objectives for the courses requiring placements.

(iv) Whether the approved nursing program has contacted each of the listed alternative agencies or facilities about the availability of clinical placements. The approved nursing program shall not be required to contact a clinical facility that would not meet course objectives.

(v) The date of contact or attempted contact.

(vi) The number of open placements at each of the listed alternative agencies or facilities that are available for the academic term for each course. If an alternative agency or facility does not respond within 48 hours, the approved nursing program may list
the alternative agency or facility as unavailable. If the alternative agency or facility subsequently responds—prior to before the submission of the request to a board nursing education consultant, the approved nursing program shall update the list to reflect the response.

(vii) Whether the open and available placements are accessible to the students and faculty. An open and available placement is accessible if there are no barriers that otherwise prohibit a student from entering the facility, including, but not limited to, the lack of personal protective equipment or cost-prohibitive infectious disease testing. An individual’s personal unwillingness to enter an alternative agency or facility does not make a placement inaccessible.

(viii) The total number of open and available placements that are accessible to the students and faculty compared to the total number of placements needed.

(B) The substitute clinical practice hours not in direct patient care provide a learning experience, as defined by the board consistent with Section 2708.1, that is at least equivalent to the learning experience provided by the direct patient care clinical practice hours.

(C) Once the applicable state of emergency has terminated pursuant to Section 8629 of the Government Code, the temporary reduction provided in paragraph (3) shall cease as soon as practicable or by the end of the academic term, whichever is sooner.

(D) The substitute clinical practice hours not in direct patient care that are simulation experiences are based on the best practices published by the International Nursing Association for Clinical Simulation and Learning, the National Council of State Boards of Nursing, the Society for Simulation in Healthcare, or equivalent standards approved by the board.

(E) A maximum of 25 percent of the direct patient care hours specified in paragraph (3) in geriatrics and medical-surgical may be completed via telehealth.

(4) Request that the approved nursing program allow theory to precede clinical practice if all of the following conditions are met:

(A) No alternative agency or facility located within 25 miles of the impacted approved nursing program, campus, or location, as applicable, has a sufficient number of open placements that are available and accessible to the approved nursing program for direct
patient care clinical practice hours in the same subject matter area.

An approved program shall not be required to submit more than
required under subparagraph (A) of paragraph (3).

(B) Clinical practice takes place in the academic term
immediately following theory.

(C) Theory is taught concurrently with clinical practice not in
direct patient care if no direct patient care experiences are available.

(b) If the conditions in paragraphs (1), (2), (3), or (4) of
subdivision (a), as applicable to the request, are met, a board
nursing education consultant shall approve the request. If an
approved nursing program fails to submit information satisfactory
to the board nursing education consultant, or fails to meet the
conditions specified, the board nursing education consultant shall
deny the request. If the request is not approved or denied on or
before 5:00 p.m. on the date seven business days after receipt of
the request, the request shall be deemed approved.

(c) (1) Within 30 days of the effective date of this section, the
board’s executive officer shall develop a uniform method for
evaluating requests and granting approvals pursuant to this section.

(2) The executive officer may revise the uniform method
developed pursuant to this subdivision from time to time, as
necessary. The development or revision of the uniform method
shall be exempt from the requirements of the Administrative
Procedure Act (Chapter 3.5 (commencing with Section 11340) of

(3) The board’s nursing education consultants shall use the
uniform method to evaluate requests and grant approvals pursuant
to this section.

SEC. 15. Section 3502.4 of the Business and Professions Code
is amended to read:

3502.4. (a) In order to receive authority from his or her the
physician assistant’s supervising physician and surgeon to perform
an abortion by aspiration techniques pursuant to Section 2253, a
physician assistant shall complete training either through training
programs approved by the board pursuant to Section 3513 or by
training to perform medical services which that augment his or
her the physician assistant’s current areas of competency pursuant
to Section 1399.543 of Title 16 of the California Code of
Regulations. Beginning January 1, 2014, and until January 1, 2016,
the training and clinical competency protocols established by
Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development, Department of Health Care Access and Information, shall be used as training and clinical competency guidelines to meet this requirement.

(b) In order to receive authority from his or her physician assistant's supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a physician assistant shall comply with protocols developed in compliance with Section 3502 that specify:

1. The extent of supervision by a physician and surgeon with relevant training and expertise.
2. Procedures for transferring patients to the care of the physician and surgeon or a hospital.
3. Procedures for obtaining assistance and consultation from a physician and surgeon.
4. Procedures for providing emergency care until physician assistance and consultation are available.
5. The method of periodic review of the provisions of the protocols.

(c) The training protocols established by HWPP No. 171 shall be deemed to meet the standards of the board. A physician assistant who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253, in adherence to protocols described in subdivision (b).

(d) It is unprofessional conduct for any physician assistant to perform an abortion by aspiration techniques pursuant to Section 2253 without prior completion of training and validation of clinical competency.

SEC. 16. Section 3520 of the Business and Professions Code is amended to read:

3520. Within 10 days after the beginning of each calendar month the Medical Board of California, the board, shall report to the Controller the amount and source of all collections made under this chapter and at the same time pay all those sums into the State Treasury, where they shall be credited to the Physician Assistant Fund, which fund is hereby created. All money in the fund shall be available, upon appropriation of the Legislature, to carry out the purpose of this chapter.
SEC. 17. Section 3537.10 of the Business and Professions Code is amended to read:

3537.10. (a) Subject to the other provisions of this article, the Office of Statewide Health Planning and Development, Department of Health Care Access and Information, hereafter in this article referred to as the office, department, shall coordinate the establishment of an international medical graduate physician assistant training program, to be conducted at an appropriate educational institution or institutions. The goal of the program shall be to place as many international medical graduate physician assistants in medically underserved areas as possible in order to provide greater access to care for the growing population of medically indigent and underserved. The method for accomplishing this goal shall be to train foreign medical graduates to become licensed as physician assistants at no cost to the participants in return for a commitment from the participants to serve full time in underserved areas for a four-year period.

(b) By February 1, 1994, or one month after federal funds to implement this article become available, whichever occurs later, the office department shall establish a training program advisory task force. The task force shall be comprised of representatives from all of the following groups:

1. Physician assistant program directors.
2. Foreign medical graduates.
3. The California Academy of Physician Assistants.
5. Physicians.
6. The board, at the board’s option.

The office department may, instead, serve solely as a consultant to the task force.

(c) The task force shall do all of the following:

1. Develop a recommended curriculum for the training program that shall be from 12 to 15 months in duration and shall, at a minimum, meet curriculum standards consistent with the board’s regulations. The program shall be subject to the board’s approval. By April 1, 1994, or three months after federal funds to implement this article become available, whichever occurs later, the curriculum shall be presented by the office department to the Committee on Allied Health Education and Accreditation of the
American Medical Association, or its successor organization, for approval.

(2) Develop recommended admission criteria for participation in the pilot and ongoing program.

(3) Assist in development of linkages with academic institutions for the purpose of monitoring and evaluating the pilot program.

SEC. 18. Section 3537.15 of the Business and Professions Code is amended to read:

3537.15. (a) Prior to establishment of an ongoing international medical graduate physician assistant training program, the Office of Statewide Health Planning and Development shall coordinate the establishment of a pilot program commencing September 1, 1994, or eight months after federal funds to implement this article become available, whichever occurs later, to test the validity and effectiveness of the recommended training curriculum developed by the task force. The task force shall, with the advice and assistance of the academic institutions offering the pilot program curriculum, and subject to their approval, select 10 international medical graduates to participate in the pilot program.

(b) After two classes have graduated from the pilot program, the task force, with the advice and assistance of the academic institutions, shall evaluate the results of the pilot program, to determine whether a permanent program should be established. The office department may modify curriculum as needed and make appropriate revisions in order to ensure program integrity and compliance with established standards. Any permanent international medical graduate physician assistant training program shall commence at the beginning of the year following the completion of the evaluation.

SEC. 19. Section 3537.25 of the Business and Professions Code is amended to read:

3537.25. Both the pilot and the ongoing training program shall provide training at no cost to the participants in return for a written, enforceable agreement by the participants to, upon obtaining licensure under this article, serve a minimum of four years as a full-time physician assistant in an area of California designated by the Office of Statewide Health Planning and Development Department of Health Care Access and Information as a medically underserved area pursuant to Section 3537.35.
SEC. 20. Section 3537.30 of the Business and Professions Code is amended to read:

3537.30. (a) The Legislature recognizes that the goal of this program would be compromised if participants do not observe their commitments under this program to provide the required service in a medically underserved area. The goal of this program would not be met if all that it accomplished was merely to license physician assistants that served populations that are not medically underserved.

(b) Since damages would be difficult or impossible to ascertain in the event of default by the participant, this section shall set forth the extent of liquidated damages that shall be recoverable by the program in the case of default.

(c) In the case of default by a participant who has successfully completed the program and has obtained licensure under this article, the program shall collect the following damages from the participant:

(1) The total cost expended by the program for the training of the applicant, and interest thereon from the date of default.

(2) The total amount needed for the program to seek cover as set forth in subdivision (b) of Section 3537.35.

(3) The costs of enforcement, including, but not limited to, the costs of collecting the liquidated damages, the costs of litigation, and attorney’s fees.

(d) The Attorney General may represent the office, department, or the board, or both in any litigation necessitated by this article, or, if the Attorney General declines, the office, department, or the board, or both may hire other counsel for this purpose.

(e) Funds collected pursuant to subdivision (c) shall be allocated as follows:

(1) Costs of training recovered pursuant to paragraph (1) of subdivision (c) shall be allocated to the office department to be used upon appropriation for the continuing training program pursuant to this article.

(2) Costs of seeking cover recovered pursuant to paragraph (2) of subdivision (c) shall be deposited in the Physician Assistant Training Fund established pursuant to Section 3537.40 for the purposes of providing grants pursuant to subdivision (c) of Section 3537.35.
(3) Costs of enforcement recovered pursuant to paragraph (3) of subdivision (c) shall be allocated between the office, department, and the Attorney General, or other counsel, according to actual costs.

SEC. 21. Section 3537.35 of the Business and Professions Code is amended to read:

3537.35. The Office of Statewide Health Planning and Development Department of Health Care Access and Information shall, in addition to other duties described in this article, do all of the following:

(a) Determine those areas of the state that are medically underserved in that they have a higher percentage of medically underserved and indigent persons and would benefit from the services of additional persons licensed as physician assistants.

(b) Determine the total cost of seeking cover as specified in paragraph (2) of subdivision (c) of Section 3537.30. To determine the cost, the office department shall study the market forces that are at work creating the scarcity of these physician assistants in these medically underserved areas, and determine the annual level of additional funding that would be required by a health facility, clinic, or other health care provider in those areas to motivate a physician assistant to serve full-time in those underserved areas. This amount shall be calculated so that when added to the prevailing rate for these services in the underserved area, would make these positions so attractive that physician assistants would be motivated to serve in those areas. This amount, which shall equal the cost to the office department to place a qualified physician assistant in the underserved area, times four years shall be the total cost of seeking cover.

(c) Provide grants, as funds become available in the Physician Assistant Training Fund, to applicant health care providers that provide services in medically underserved areas for the purpose of funding additional full-time physician assistant positions in those areas to provide services in lieu of defaulting physician assistants. Participating providers shall use these grants to attract physician assistants that are from outside the area and shall demonstrate that the grant actually increases the number of physician assistants serving the underserved population. The grantee shall demonstrate that the grant did not merely shift a physician assistant from one medically underserved area to another,
but rather, resulted in a net increase in the number of physician assistants serving the underserved population as a whole. Licensees under this article shall not directly or indirectly receive grants under this section.

SEC. 22. Section 3537.40 of the Business and Professions Code is amended to read:
3537.40. The Physician Assistant Training Fund is hereby created in the State Treasury for the purpose of receipt of funds collected pursuant to paragraph (2) of subdivision (c) of Section 3537.30. The Physician Assistant Training Fund shall be available to the Office of Statewide Health Planning and Development Department of Health Care Access and Information for the purpose of providing grants pursuant to subdivision (c) of Section 3537.35, upon appropriation by the Legislature.

SEC. 23. Section 3537.50 of the Business and Professions Code is amended to read:
3537.50. No General Fund revenues shall be expended to carry out this article. The implementation of the pilot program and, if applicable, the permanent program established by this article shall be contingent upon the availability of federal funds, which do not divert or detract from funds currently utilized to underwrite existing physician assistant training programs or to fund existing functions of the board. The new funding shall be sufficient to cover the full additional cost to the educational institution or institutions that establish the program or programs, the cost of tuition and attendance for the students in the program or programs, and any additional costs, including enforcement costs, that the office department or the board incurs as a result of implementing this article. Nothing in this article shall be construed as imposing any obligations upon the office, department, the board, or any physician assistant training program in the absence of adequate funding as described in this section. Nothing in this article shall be construed either as precluding applicants for the program established by this article from seeking state or federal scholarship funds, or state and federal loan repayment funds available to physician assistant students, or as requiring that any applicants be granted preference in the award of those funds. Nothing in this article shall be construed as impairing any applicants for the program established by this article from seeking state or federal scholarship funds, or state and federal loan repayment funds available to physician assistant students, or as requiring that any applicants be granted preference in the award of those funds. Nothing in this article shall be construed as impairing any obligations upon the office, department, the board, or any physician assistant training program in the absence of adequate funding as described in this section. Nothing in this article shall be construed either as precluding applicants for the program established by this article from seeking state or federal scholarship funds, or state and federal loan repayment funds available to physician assistant students, or as requiring that any applicants be granted preference in the award of those funds. Nothing in this article shall be construed as impairing any obligations upon the office, department, the board, or any physician assistant training program in the absence of adequate funding as described in this section.
the autonomy of any institution that offers a physician assistant training program.

SEC. 24. Section 4846.5 of the Business and Professions Code is amended to read:

4846.5. (a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association’s affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Notwithstanding paragraph (1), a total of six hours or less of the required 36 hours of continuing education may be earned by doing either of the following, or a combination thereof:

(A) Up to six hours may be earned by taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings.
(B) Up to four hours may be earned by providing pro bono spaying or neutering services under the supervision of a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group. The services shall be administered at a facility that is appropriately equipped and staffed to provide those services. The service shall be provided to a household with a demonstrated financial need for reduced-cost services.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian’s continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian’s first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for
auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.

(i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars ($200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).

(k) (1) Beginning January 1, 2018, a licensed veterinarian who renews his or her license shall complete a minimum of one
credit hour of continuing education on the judicious use of 
médically important antimicrobial drugs every four years as part 
of his or her continuing education requirements.

(2) For purposes of this subdivision, "medically important 
antimicrobial drug" means an antimicrobial drug listed in Appendix 
A of the federal Food and Drug Administration’s Guidance for 
Industry #152, including critically important, highly important, 
and important antimicrobial drugs, as that appendix may be 
amended.

SEC. 25. Section 4980.03 of the Business and Professions 
Code is amended to read:

4980.03. (a) “Board,” as used in this chapter, means the Board 
of Behavioral Sciences.

(b) “Associate,” as used in this chapter, means an unlicensed 
person who has earned a master’s or doctoral degree qualifying 
the person for licensure and is registered with the board as an 
associate.

c) “Trainee,” as used in this chapter, means an unlicensed 
person who is currently enrolled in a master’s or doctoral degree 
program, as specified in Sections 4980.36 and 4980.37, that is 
designed to qualify the person for licensure under this chapter, and 
who has completed no less than 12 semester units or 18 quarter 
units of coursework in any qualifying degree program.

d) “Applicant for licensure,” as used in this chapter, means an 
unlicensed person who has completed the required education and 
required hours of supervised experience for licensure.

e) “Advertise,” as used in this chapter, includes, but is not 
limited to, any public communication, as defined in subdivision 
(a) of Section 651, the issuance of any card, sign, or device to any 
person, or the causing, permitting, or allowing of any sign or 
marking on, or in, any building or structure, or in any newspaper 
or magazine or in any directory, or any printed matter whatsoever, 
with or without any limiting qualification. Signs within religious 
buildings or notices in church bulletins mailed to a congregation 
shall not be construed as advertising within the meaning 
of this chapter.

(f) “Experience,” as used in this chapter, means experience in 
interpersonal relationships, psychotherapy, marriage and family 
therapy, direct clinical counseling, and nonclinical practice that
satisfies the requirements for licensure as a marriage and family therapist.

(g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as any of the following:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to subdivision (b) paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist, issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(h) “Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(i) “Accredited,” as used in this chapter, means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(j) “Approved,” as used in this chapter, means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

SEC. 26. Section 4996.20 of the Business and Professions Code is amended to read:

4996.20. (a) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.
(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to subdivision (e) paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(b) As used in this chapter, the term “supervision” means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

“Supervision” includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.
(3) Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where the supervisee is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee’s compliance with laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

SEC. 27. Section 4999.12 of the Business and Professions Code is amended to read:

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Behavioral Sciences.

(b) “Accredited” means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(c) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

(d) “Applicant for licensure” means an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

(e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) “Associate” means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, that is designed to qualify the person for licensure and who has completed no less
than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) “Supervisor” means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to subdivision (b) paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(i) “Client centered advocacy” includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) “Advertising” or “advertise” includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(k) “Referral” means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(l) “Research” means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) “Supervision” means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.
(2) Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where the supervisee is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee’s compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

(n) “Clinical setting” means any setting that meets both of the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

(2) Provides oversight to ensure that the associate’s work meets the experience and supervision requirements set forth in this chapter and in regulation and is within the scope of practice of the profession.

SEC. 28. Section 7841.2 of the Business and Professions Code is amended to read:

7841.2. (a) An applicant for certification as a geologist-in-training shall comply with all of the following:

(a) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

(b) Successfully pass the Fundamentals of Geology examination.

(c) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:
Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

The board shall require an applicant for certification as a geologist-in-training to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the education requirements established by this section and the rules of the board.

Except as required by paragraph (1), the board is not required to verify an applicant’s eligibility for certification as a geologist-in-training.

SEC. 29. Section 10083.2 of the Business and Professions Code is amended to read:

10083.2. (a) (1) The commissioner shall provide information on the internet regarding the status of every license issued by the department in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(2) The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the department and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure or regulation by the department.

(3) The public information shall not include personal information, including home telephone number, date of birth, or social security number. The commissioner shall disclose a licensee’s address of record. However, the commissioner shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee’s home address, as the address of record. This section shall not preclude the commissioner

157
from also requiring a licensee who has provided a post office box number or other alternative mailing address as the licensee’s address of record to provide a physical business address or residence address only for the department’s internal administrative use and not for disclosure as the licensee’s address of record or disclosure on the internet.

(4) The public information shall also include whether a licensee is an associate licensee within the meaning of subdivision (a) of Section 2079.13 of the Civil Code and, if the associate licensee is a broker, identify each responsible broker with whom the licensee is contractually associated as described in Section 10032 of this code or Section 2079.13 of the Civil Code.

(b) For purposes of this section, “internet” has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

(c) Upon petition by a licensee accompanied by a fee sufficient to defray costs associated with consideration of a petition, as described in Section 10223, the commissioner may remove from the posting of discipline described in subdivision (a) an item that has been posted on the department’s internet website for no less than 10 years and for which the licensee provides evidence of rehabilitation indicating that the notice is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee. In evaluating a petition, the commissioner shall take into consideration other violations that present a credible risk to the members of the public since the posting of discipline requested for removal.

(d) The department may develop, through regulations, the amount of the fee and the minimum information to be included in a licensee’s petition, including, but not limited to, a written justification and evidence of rehabilitation pursuant to Section 482.

(e) “Posted” for purposes of this section is defned as the date of disciplinary action taken by the department.

(f) The department shall maintain a list of all licensees whose disciplinary records are altered as a result of a petition approved under subdivision (c). The department shall make the list accessible to other licensing bodies. The department shall update and provide the list to other licensing bodies as often as it modifies the records displayed on its internet website in response to petitions approved under subdivision (c).
SEC. 30. Section 10140.6 of the Business and Professions Code is amended to read:

10140.6. (a) A real estate licensee shall not publish, circulate, distribute, or cause to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that the licensee is performing acts for which a real estate license is required.

(b) (1) A real estate licensee shall disclose their name, license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Multistate Licensing System and Registry, if that licensee is a mortgage loan originator, and responsible broker’s identity, as defined in Section 10015.4, on all solicitation materials intended to be the first point of contact with consumers and on real property purchase agreements when acting in a manner that requires a real estate license or mortgage loan originator license endorsement in those transactions. The commissioner may adopt regulations identifying the materials in which a licensee must disclose a license identification number and unique identifier assigned to that licensee by the Nationwide Mortgage Multistate Licensing System and Registry, and responsible broker’s identity.

(2) A real estate licensee who is a natural person and who legally changes the surname in which their license was originally issued may continue to utilize their former surname for the purpose of conducting business associated with their license so long as both names are filed with the department. Use of a former surname shall not constitute a fictitious name for the purposes of Section 10159.5.

(3) For purposes of this section, “solicitation materials” include business cards, stationery, advertising flyers, advertisements on television, in print, or electronic media, “for sale,” rent, lease, “open house,” and directional signs, and other materials designed to solicit the creation of a professional relationship between the licensee and a consumer.

(4) Nothing in this section shall be construed to This section does not limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

(c) This section shall not apply to “for sale,” rent, lease, “open house,” and directional signs that do either of the following:
(1) Display the responsible broker’s identity, as defined in Section 10015.4, without reference to an associate broker or licensee.

(2) Display no licensee identification information.

(d) “Mortgage loan originator,” “unique identifier,” and “Nationwide Mortgage Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 31. Section 10151 of the Business and Professions Code, as amended by Section 6.1 of Chapter 431 of the Statutes of 2021, is amended to read:

10151. (a) Application for the real estate salesperson license examination shall be made in writing to the commissioner. The commissioner may prescribe the format and content of the salesperson examination application. The application for the salesperson examination shall include valid contact information at which the department may contact the applicant and shall be accompanied by the real estate salesperson license examination fee.

(b) Persons who have been notified by the commissioner that they passed the real estate salesperson license examination may apply for a real estate salesperson license. A person applying for the salesperson examination may also apply for a real estate salesperson license. However, a license shall not be issued until the applicant passes the real estate salesperson license examination. If there is any change to the information contained in a real estate salesperson license application after the application has been submitted and before the license has been issued, the commissioner may require the applicant to submit a supplement to the application listing the changed information.

(c) (1) The commissioner may prescribe the format and content of the real estate salesperson license application. The application for the real estate salesperson license shall include valid contact information at which the department may contact the applicant.

(2) An application for the real estate salesperson license examination or for both the examination and license that is received by the commissioner on or after October 1, 2007, shall include evidence or certification, satisfactory to the commissioner, of successful completion at an accredited institution of a three-semester unit course, or the quarter equivalent thereof, or successful completion of an equivalent course of study as defined
in Section 10153.5 in real estate principles as well as the successful completion at an accredited institution of a course in real estate practice as set forth in Section 10153.2, and one additional course as set forth in Section 10153.2, other than real estate principles, real estate practice, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. The applicant shall provide this evidence or certification to the commissioner prior to taking the real estate salesperson license examination.

(d) The commissioner shall waive the requirements of this section for the following applicants:

(1) An applicant who is a member of the State Bar of California.

(2) An applicant who has qualified to take the examination for an original real estate broker license by satisfying the requirements of Section 10153.2.

(e) Application for endorsement to act as a mortgage loan originator, as defined in Section 10166.01, shall be made either electronically or in writing as directed by the commissioner. The commissioner may prescribe the format and content of the mortgage loan originator endorsement application, which shall meet the minimum requirements for licensing of a mortgage loan originator, pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Public Law 110-289).

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

SEC. 32. Section 10151 of the Business and Professions Code, as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is repealed.

10151. (a) Application for the real estate salesperson license examination shall be made in writing to the commissioner. The commissioner may prescribe the format and content of the salesperson examination application. The application for the salesperson examination shall include valid contact information at which the department may contact the applicant and shall be accompanied by the real estate salesperson license examination fee:

(b) Persons who have been notified by the commissioner that they passed the real estate salesperson license examination may apply for a real estate salesperson license. A person applying for the salesperson examination may also apply for a real estate salesperson license. However, a license shall not be issued until
the applicant passes the real estate salesperson license examination.

If there is any change to the information contained in a real estate salesperson license application after the application has been submitted and before the license has been issued, the commissioner may require the applicant to submit a supplement to the application listing the changed information.

(c) (1) The commissioner may prescribe the format and content of the real estate salesperson license application. The application for the real estate salesperson license shall include valid contact information at which the department may contact the applicant.

(2) An application for the real estate salesperson license examination or for both the examination and license that is received by the commissioner on or after October 1, 2007, shall include evidence or certification, satisfactory to the commissioner, of successful completion at an accredited institution of a three-semester unit course, or the quarter equivalent thereof, or successful completion of an equivalent course of study as defined in Section 10153.5 in real estate principles as well as the successful completion at an accredited institution of a course in real estate practice, a course in fair housing set forth in Section 10153.2, and one additional course set forth in Section 10153.2, other than real estate principles, real estate practice, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. The applicant shall provide this evidence or certification to the commissioner prior to taking the real estate salesperson license examination.

(d) The commissioner shall waive the requirements of this section for the following applicants:

(1) An applicant who is a member of the State Bar of California.

(2) An applicant who has qualified to take the examination for an original real estate broker license by satisfying the requirements of Section 10153.2.

(e) Application for endorsement to act as a mortgage loan originator, as defined in Section 10166.01, shall be made either electronically or in writing as directed by the commissioner. The commissioner may prescribe the format and the content of the mortgage loan originator endorsement application, which shall meet the minimum requirements for licensing of a mortgage loan originator, pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Public Law 110-289).
This section shall become operative on January 1, 2023.

SEC. 33. Section 10153.2 of the Business and Professions Code, as amended by Section 3 of Chapter 361 of the Statutes of 2021, is amended to read:

10153.2. (a) An applicant to take the examination for an original real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion, at an accredited institution, of:

1. A three-unit semester course, or the quarter equivalent thereof, in each of the following:
   1. A) Real estate practice.
   1. B) Legal aspects of real estate.
   1. C) Real estate appraisal.
   1. D) Real estate financing.
   1. E) Real estate economics or accounting.

2. A three-unit semester course, or the quarter equivalent thereof, in three of the following:
   1. A) Advanced legal aspects of real estate.
   1. C) Advanced real estate appraisal.
   1. D) Business law.
   1. E) Escrows.
   1. F) Real estate principles.
   1. G) Property management.
   1. H) Real estate office administration.
   1. I) Mortgage loan brokering and lending.

(b) On and after July 1, 2004, California law that relates to common interest developments, including, but not limited to, topics addressed in the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code) and in the Commercial and Industrial Common Interest Development Act (Part 5.3 (commencing with Section 6500) of Division 4 of the Civil Code).

(b) The commissioner shall waive the requirements of this section for an applicant who is a member of the State Bar of California and shall waive the requirements for which an applicant has successfully completed an equivalent course of study as determined under Section 10153.5.
(c) The commissioner shall extend credit under this section for any course completed to satisfy requirements of Section 10153.3 or 10153.4.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 34. Section 10153.2 of the Business and Professions Code, as added by Section 4 of Chapter 361 of the Statutes of 2021, is amended to read:

10153.2. (a) An applicant to take the examination for an original real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion, at an accredited institution, of:

(1) A three-unit semester course, or the quarter equivalent thereof, in each of the following:

(A) Real estate practice, which shall include a component on implicit bias, including education regarding the impact of implicit bias, explicit bias, and systemic bias on consumers, the historical and social impacts of those biases, and actionable steps students can take to recognize and address their own implicit biases.

(ii) A component on federal and state fair housing laws as those laws apply to the practice of real estate. The fair housing component shall include an interactive participatory component, during which the applicant shall roleplay as both a consumer and real estate professional.

(B) Legal aspects of real estate, which shall include a component on state and federal fair housing laws as they apply to the practice of real estate. The fair housing component shall include an interactive participatory component, during which the applicant shall roleplay as both a consumer and real estate professional.

(C) Real estate appraisal.

(D) Real estate financing.

(E) Real estate economics or accounting.

(2) A three-unit semester course, or the quarter equivalent thereof, in three of the following:

(A) Advanced legal aspects of real estate.

(B) Advanced real estate finance.

(C) Advanced real estate appraisal.
(D) Business law.
(E) Escrows.
(F) Real estate principles.
(G) Property management.
(H) Real estate office administration.
(I) Mortgage loan brokering and lending.
(J) Computer applications in real estate.

(K) On and after July 1, 2004, California law that relates to common interest developments, including, but not limited to, topics addressed in the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code) and in the Commercial and Industrial Common Interest Development Act (Part 5.3 (commencing with Section 6500) of Division 4 of the Civil Code).

(b) The commissioner shall waive the requirements of this section for an applicant who is a member of the State Bar of California and shall waive the requirements for which an applicant has successfully completed an equivalent course of study as determined under Section 10153.5.

(c) The commissioner shall extend credit under this section for any course completed to satisfy requirements of Section 10153.3 or 10153.4.

(d) This section shall become operative on January 1, 2023.

SEC. 35. Section 10159.5 of the Business and Professions Code is amended to read:

10159.5. (a) (1) Every person applying for a license under this chapter who desires to have the license issued under a fictitious business name shall file with the application a certified copy of their fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(A) File an application on behalf of a responsible broker with a county clerk to obtain a fictitious business name.

(B) Deliver to the department an application, signed by the responsible broker, requesting the department’s approval to use a county approved fictitious business name that shall be identified with the responsible broker’s license number.
(C) Pay for any fees associated with filing an application with a county or the department to obtain or use a fictitious business name.

(D) Maintain ownership of a fictitious business name, as defined in paragraph (2) (1) of subdivision (a) of Section 10159.7, that may be used subject to the control of the responsible broker.

(b) (1) A salesperson using a fictitious business name authorized by subdivision (a), shall use that name only as permitted by the responsible broker.

(2) This section does not change a real estate broker’s duties under this division to supervise a salesperson.

(c) A person applying to a county for a fictitious business name pursuant to subdivision (a) may file the application in the county or counties where the fictitious business name will be used.

(d) Advertising and solicitation materials, including business cards, print or electronic media and “for sale” signage, using a fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the responsible broker’s identity, as defined in paragraph (1) of subdivision (a) of Section 10159.7, Section 10015.4, in a manner equally as prominent as the fictitious business name.

(e) Notwithstanding subdivision (b) of Section 10140.6, advertising and solicitation materials, including print or electronic media and “for sale” signage, containing a fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the name and license number of the salesperson who is using the fictitious business name.

(f) Notwithstanding Section 10185, a violation of this section is not a misdemeanor.

SEC. 36. Section 10165 of the Business and Professions Code is amended to read:

SEC. 36. Section 10165 of the Business and Professions Code is amended to read:

SEC. 37. Section 10166.01 of the Business and Professions Code is amended to read:

SEC. 37. Section 10166.01 of the Business and Professions Code is amended to read:

SEC. 37. Section 10166.01 of the Business and Professions Code is amended to read:

SEC. 37. Section 10166.01 of the Business and Professions Code is amended to read:

SEC. 37. Section 10166.01 of the Business and Professions Code is amended to read:
(a) “SAFE Act” means the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Public Law 110-289).

(b) (1) “Mortgage loan originator” means an individual who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) Mortgage loan originator does not include any of the following:

(A) An individual who performs purely administrative or clerical tasks on behalf of a person meeting the definition of a mortgage loan originator, except as otherwise provided in subdivision (c) of Section 10166.03. The term “administrative or clerical tasks” means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(B) An individual that only performs real estate brokerage services, as defined in subdivision (a) or (b) of Section 10131, unless that person is compensated by a lender, other mortgage loan originator, or by any agent of any lender or other mortgage loan originator.

(C) An individual who solely renegotiates terms for existing mortgage loans held or serviced by his or her employer and who does not otherwise act as a mortgage loan originator, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines that the SAFE Act requires such an employee to be licensed as a mortgage loan originator under state laws implementing the SAFE Act.

(D) An individual that is solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11 of the United States Code.

(E) An individual licensed or registered as a mortgage loan originator pursuant to the provisions of the Financial Code and the SAFE Act.

(c) “Nationwide Mortgage Multistate Licensing System and Registry” means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators.
(d) “Residential mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, or residential real estate upon which is constructed or intended to be constructed a dwelling. “Dwelling” means a residential structure that contains one to four units, whether or not that structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobilehome, or trailer, if it is used as a residence.

(e) “Unique identifier” means a number or other identifier assigned by protocols established by the Nationwide Mortgage Multistate Licensing System and Registry.

(f) “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a mortgage loan originator.

SEC. 38. Section 10166.02 of the Business and Professions Code is amended to read:

10166.02. (a) A real estate broker who acts pursuant to Section 10131.1 or subdivision (d) or (e) of Section 10131, and who makes, arranges, or services loans secured by real property containing one to four residential units, and any salesperson who acts in a similar capacity under the supervision of that broker, shall notify the department by January 31, 2010, or within 30 days of commencing that activity, whichever is later. The notification shall be made in writing, as directed, on a form that is acceptable to the commissioner.

(b) No individual may engage in business as a mortgage loan originator under this article without first doing both of the following:

(1) Obtaining and maintaining a real estate license pursuant to Article 2 (commencing with Section 10150).

(2) Obtaining and maintaining a real estate license endorsement pursuant to this article identifying that individual as a licensed mortgage loan originator.

(c) License endorsements shall be valid for a period of one year and shall expire on the 31st of December each year.

(d) Applicants for a mortgage loan originator license endorsement shall apply in a form prescribed by the commissioner.
Each form shall contain content as set forth by rule, regulation, instruction, or procedure of the commissioner.

(e) In order to fulfill the purposes of this article, the commissioner may establish relationships or contracts with the Nationwide Mortgage Multistate Licensing System and Registry or other entities designated by the Nationwide Mortgage Multistate Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this article.

(f) A real estate broker or salesperson who fails to notify the department pursuant to subdivision (a), or who fails to obtain a license endorsement required pursuant to paragraph (2) of subdivision (b), shall be assessed a penalty of fifty dollars ($50) per day for each day written notification has not been received or a license endorsement has not been obtained, up to and including the 30th day after the first day of the assessment penalty. On and after the 31st day, the penalty is one hundred dollars ($100) per day, not to exceed a total penalty of ten thousand dollars ($10,000), regardless of the number of days, until the department receives the written notification or the licensee obtains the license endorsement. Penalties for violations of subdivisions (a) and (b) shall be additive.

(g) The commissioner may suspend or revoke the license of a real estate broker or salesperson who fails to pay a penalty imposed pursuant to this section. In addition, the commissioner may bring an action in an appropriate court of this state to collect payment of that penalty.

(h) All penalties paid or collected under this section shall be deposited into the Consumer Recovery Account of the Real Estate Fund and shall, upon appropriation by the Legislature, be available for expenditure for the purposes specified in Chapter 6.5 (commencing with Section 10470).

SEC. 39. Section 10166.03 of the Business and Professions Code is amended to read:

10166.03. (a) A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of
the activities of a mortgage loan originator shall not be required
to obtain a license endorsement as a mortgage loan originator.

(b) An individual engaging solely in loan processor or
underwriter activities shall not represent to the public, through
advertising or other means of communicating or providing
information including the use of business cards, stationery,
brochures, signs, rate lists, or other promotional items, that the
individual can or will perform any of the activities of a mortgage
loan originator.

(c) An independent contractor who is employed by a mortgage
loan originator may not engage in the activities of a loan processor
or underwriter for a residential mortgage loan unless the
independent contractor loan processor or underwriter obtains and
maintains an endorsement as a mortgage loan originator under this
article. Each independent contractor loan processor or underwriter
who obtains and maintains an endorsement as a mortgage loan
originator under this article shall have and maintain a valid unique
identifier issued by the Nationwide-Mortgage Multistate Licensing
System and Registry.

SEC. 40. Section 10166.04 of the Business and Professions
Code is amended to read:

10166.04. (a) In connection with an application to the
commissioner for a license endorsement as a mortgage loan
originator, every applicant shall furnish to the Nationwide
Mortgage Multistate Licensing System and Registry information
concerning the applicant’s identity, including the following:
(1) Fingerprint images and related information, for purposes of
performing a federal, or both a state and federal, criminal history
background check.
(2) Personal history and experience in a form prescribed by the
Nationwide-Mortgage Multistate Licensing System and Registry,
including the submission of authorization for the Nationwide
Mortgage Multistate Licensing System and Registry and the
commissioner to obtain both of the following:
(A) An independent credit report from a consumer reporting
agency.
(B) Information related to any administrative, civil, or criminal
findings by any governmental jurisdiction.
(b) The commissioner may ask the Nationwide-Mortgage
Multistate Licensing System and Registry to obtain state criminal
history background check information on applicants described in subdivision (a) using the procedures set forth in subdivisions (c) and (d).

(c) If the Nationwide Mortgage Multistate Licensing System and Registry electronically submits fingerprint images and related information, as required by the Department of Justice, for an applicant for a mortgage loan originator license endorsement, to the Department of Justice for the purposes of obtaining information as to the existence and content of a record of state convictions and state arrests, and as to the existence and content of a record of state arrests for which the Department of Justice establishes that the person is free on bail or on his or her their recognizance pending trial or appeal, the Department of Justice shall provide an electronic response to the Nationwide Mortgage Multistate Licensing System and Registry pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code, and shall provide the same electronic response to the department.

(d) The Nationwide Mortgage Multistate Licensing System and Registry may request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subdivision (a). The Department of Justice shall provide the same electronic response to the department.

(e) The Department of Justice shall charge a fee sufficient to cover the cost of processing the requests described in this section.

SEC. 41. Section 10166.06 of the Business and Professions Code is amended to read:

10166.06. (a) In addition to the requirements of Section 10153, an applicant for a license endorsement as a mortgage loan originator shall complete at least 20 hours of education courses, which shall include at least the following:

(1) Three hours of federal law and regulations.

(2) Three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues.

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of this section, education courses are only acceptable if they have been reviewed and approved, or otherwise deemed acceptable, by the Nationwide Mortgage Multistate Licensing System and Registry, in accordance with the SAFE Act.
Education may be offered in a classroom, online, or by any other means approved by the Nationwide Mortgage Multistate Licensing System and Registry, in accordance with the SAFE Act.

(c) A person who successfully completes the education requirements approved by the Nationwide Mortgage Multistate Licensing System and Registry in any state other than California shall be granted credit by the commissioner toward completion of the education requirements of this section.

(d) Before being issued a license endorsement to act as a mortgage loan originator, an individual shall pass a qualified written test developed or otherwise deemed acceptable by the Nationwide Mortgage Multistate Licensing System and Registry and administered by a test provider approved or otherwise deemed acceptable by the Nationwide Mortgage Multistate Licensing System and Registry.

(e) A written test shall not be treated as a qualified written test for purposes of this section, unless the test adequately measures the applicant’s knowledge and comprehension in the following subject areas: ethics, federal law and regulation pertaining to mortgage origination, state law and regulation pertaining to mortgage origination, and federal and state law and regulation relating to fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(f) Nothing in this section shall prohibit a test provider approved by the Nationwide Mortgage Multistate Licensing System and Registry from providing a test at the location of the employer of the applicant or any subsidiary or affiliate of the employer of the applicant, or any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(g) An individual shall not be considered to have passed a qualified written test administered pursuant to this section unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(h) An individual who fails the qualified written test may retake the test, although at least 30 days must pass between each retesting, except as provided in subdivision (i).

(i) An applicant who fails three consecutive tests shall wait at least six months before retesting.
(j) A mortgage loan originator who fails to maintain a valid license endorsement for a period of five years or longer or who fails to register as a mortgage loan originator shall retake the qualified written test.

SEC. 42. Section 10166.07 of the Business and Professions Code is amended to read:

10166.07. (a) A real estate broker who acts pursuant to Section 10131.1 or subdivision (d) or (e) of Section 10131, and who makes, arranges, or services one or more loans in a calendar year that are secured by real property containing one to four residential units, shall annually file a business activities report, within 90 days after the end of the broker’s fiscal year or within any additional time as the commissioner may allow for filing for good cause. The report shall contain within its scope all of the following information for the fiscal year, relative to the business activities of the broker and those of any other brokers and real estate salespersons acting under that broker’s supervision:

1. Name and license number of the supervising broker and names and license numbers of the real estate brokers and salespersons under that broker’s supervision. The report shall include brokers and salespersons who were under the supervising broker’s supervision for all or part of the year.

2. A list of the real estate-related activities in which the supervising broker and the brokers and salespersons under the supervising broker’s supervision engaged during the prior year. This listing shall identify all of the following:

   A) Activities relating to mortgages, including arranging, making, or servicing.

   B) Other activities performed under the real estate broker’s or salesperson’s license.

   C) Activities performed under related licenses, including, but not limited to, a license to engage as a finance lender or a finance broker under the California Financing Law (Division 9 (commencing with Section 22000) of the Financial Code), or a license to engage as a residential mortgage lender or residential mortgage loan servicer under the California Residential Mortgage Lending Act (Division 20 (commencing with Section 50000) of the Financial Code).
(3) A list of the forms of media used by the broker and those under the broker’s supervision to advertise to the public, including print, radio, television, the internet, or other means.

(4) For fixed rate loans made, brokered, or serviced, all of the following:
   (A) The total number, aggregate principal amount, lowest interest rate, highest interest rate, and a list of the institutional lenders of record. If the loan was funded by any lender other than an institutional lender, the broker shall categorize the loan as privately funded.
   (B) The total number and aggregate principal amount of covered loans, as defined in Section 4970 of the Financial Code.
   (C) The total number and aggregate principal amount of loans for which Department of Real Estate form RE Form 885 or an equivalent is required.

(5) For adjustable rate loans made, brokered, or serviced, all of the following:
   (A) The total number, aggregate principal amount, lowest beginning interest rate, highest beginning interest rate, highest margin, and a list of the institutional lenders of record. If the loan was funded by any lender other than an institutional lender, the broker shall categorize the loan as privately funded.
   (B) The total number and aggregate principal amount of covered loans, as defined in Section 4970 of the Financial Code.
   (C) The total number and aggregate principal amount of loans for which Department of Real Estate form RE Form 885 or an equivalent is required.

(6) For all loans made, brokered, or serviced, the total number and aggregate principal amount of loans funded by institutional lenders, and the total number and aggregate principal amount of loans funded by private lenders.

(7) For all loans made, brokered, or serviced, the total number and aggregate principal amount of loans that included a prepayment penalty, the minimum prepayment penalty length, the maximum prepayment penalty length, and the number of loans with prepayment penalties whose length exceeded the length of time before the borrower’s loan payment amount could increase.

(8) For all loans brokered, the total compensation received by the broker, including yield spread premiums, commissions, and
rebates, but excluding compensation used to pay fees for third-party services on behalf of the borrower.

(9) For all mortgage loans made or brokered, the total number of loans for which a mortgage loan disclosure statement was provided in a language other than English, and the number of forms provided per language other than English.

(10) For all mortgage loans serviced, the total amount of funds advanced to be applied toward a payment to protect the security of the note being serviced.

(11) For purposes of this section, an institutional lender has the meaning specified in paragraph (1) of subdivision (c) of Section 10232.

(b) A broker subject to this section and Section 10232.2 may file consolidated reports that include all of the information required under this section and Section 10232.2. Those consolidated reports shall clearly indicate that they are intended to satisfy the requirements of both sections.

(c) If a broker subject to this section fails to timely file the report required under this section, the commissioner may cause an examination and report to be made and may charge the broker one and one-half times the cost of making the examination and report. In determining the hourly cost incurred by the commissioner for conducting an examination and preparing the report, the commissioner may use the estimated average hourly cost for all department audit staff performing audits of real estate brokers. If a broker fails to pay the commissioner’s cost within 60 days of the mailing of a notice of billing, the commissioner may suspend the broker’s license or deny renewal of that license. The suspension or denial shall remain in effect until the billed amount is paid or the broker’s right to renew a license has expired. The commissioner may maintain an action for the recovery of the billed amount in any court of competent jurisdiction.

(d) The report described in this section is exempted from any requirement of public disclosure by paragraph (2) of subdivision (d) of Section 6254 of the Government Code.

(e) The commissioner may waive the requirement to submit certain information described in paragraphs (1) to (10), inclusive, of subdivision (a) if the commissioner determines that this information is duplicative of information required by the
Nationwide Mortgage Multistate Licensing System and Registry, pursuant to Section 10166.08.

SEC. 43. Section 10166.08 of the Business and Professions Code is amended to read:

10166.08. Each mortgage loan originator shall submit reports of condition to the Nationwide Mortgage Multistate Licensing System and Registry reports of condition, and those reports shall be in the form and shall contain information as the Nationwide Mortgage Multistate Licensing System and Registry may require.

SEC. 44. Section 10166.10 of the Business and Professions Code is amended to read:

10166.10. (a) A mortgage loan originator shall complete at least eight hours of continuing education annually, which shall include at least three hours relating to federal law and regulations, two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues, and two hours related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subdivision (a), continuing education courses and course providers shall be reviewed and approved by the commissioner and the Nationwide Mortgage Multistate Licensing System and Registry.

(c) The commissioner shall have the authority to substitute any of the courses described in subdivision (a) for the course requirements of Section 10170.5, subject to a finding that the course requirements in subdivision (a) and the course completion standards in subdivision (g) of Section 10166.06 are substantially equivalent to, and meet the intent of, Section 10170.5.

(d) Nothing in this section shall This section does not preclude any education course, as approved by the commissioner and the Nationwide Mortgage Multistate Licensing System and Registry, that is provided by the employer of the mortgage loan originator or an entity that is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of the employer or entity.

(e) Continuing education may be offered either in a classroom, online, or by any other means approved by the commissioner and the Nationwide Mortgage Multistate Licensing System and Registry.
(f) A mortgage loan originator may only receive credit for a
continuing education course in the year in which the course is
taken.
(g) A mortgage loan originator may not take the same approved
course in the same or successive years to meet the requirements
of this section for continuing education.
(h) A mortgage loan originator who is an instructor of an
approved continuing education course may receive credit for his
or her their own annual continuing education requirement at the
rate of two hours credit for every one hour taught.
(i) A person who successfully completes the education
requirements approved by the Nationwide Mortgage Multistate
Licensing System and Registry in any state other than California
shall be granted credit by the commissioner towards completion
of continuing education requirements in this state.
(j) A mortgage loan originator whose license endorsement
lapses, expires, or is suspended or revoked, and who wishes to
regain his or her their license endorsement, shall complete
continuing education requirements for the last year in which the
endorsement was held, prior to before issuance of a new or renewed
endorsement.

SEC. 45. Section 10166.15 of the Business and Professions
Code is amended to read:
10166.15. (a) The commissioner shall regularly report
violations of this article, as well as enforcement actions taken
against any mortgage loan originator to whom an endorsement has
been issued, and enforcement actions taken against any individual
for failure to obtain an endorsement as a mortgage loan originator,
to the Nationwide Mortgage Multistate Licensing System and
Registry.
(b) The commissioner shall establish a process that may be used
by mortgage loan originators to challenge information entered into
the Nationwide Mortgage Multistate Licensing System and
Registry by the commissioner.
(c) The commissioner is authorized to promulgate regulations
specifying (1) the recordkeeping requirements that mortgage loan
originators shall satisfy and (2) the penalties that shall apply to
mortgage loan originators for violations of this article.

SEC. 46. Section 10166.16 of the Business and Professions
Code is amended to read:
10166.16. (a) Except as otherwise provided in Section 1512 of the SAFE Act, the requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Multistate Licensing System and Registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to that information or material, shall continue to apply to the information or material after the information or material has been disclosed to the Nationwide Mortgage Multistate Licensing System and Registry. The information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

(b) For these purposes, the commissioner is authorized to enter agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, or other associations representing governmental agencies as established by rule, regulation or order of the commissioner.

(c) Information or material that is subject to a privilege or confidentiality under subdivision (a) shall not be subject to either of the following:

(1) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the state.

(2) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Multistate Licensing System and Registry with respect to the information or material, the person to whom the information or material pertains waives, in whole or in part, in the discretion of the person, that privilege.

(d) This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the Nationwide Mortgage Multistate Licensing System and Registry for access by the public.

SEC. 47. Section 10166.17 of the Business and Professions Code is amended to read:
10166.17. In addition to any other duties imposed upon the commissioner by law, the commissioner shall require mortgage loan originators to be licensed and registered through the Nationwide Mortgage Multistate Licensing System and Registry. In order to carry out this requirement the commissioner is authorized to participate in the Nationwide Mortgage Multistate Licensing System and Registry. For this purpose, the commissioner may establish by rule, regulation, or order, requirements as necessary, including, but not limited to, the following:

(a) Background checks for the following:
(1) Criminal history through fingerprint or other databases.
(2) Civil or administrative records.
(3) Credit history.
(4) Any other information as deemed necessary by the Nationwide Mortgage Multistate Licensing System and Registry.

(b) The payment of fees to apply for or renew licenses through the Nationwide Mortgage Multistate Licensing System and Registry.

(c) The setting or resetting as necessary of renewal or reporting dates.

(d) Requirements for amending or surrendering a license or any other activities as the commissioner deems necessary for participation in the Nationwide Mortgage Multistate Licensing System and Registry.

SEC. 48. Section 10235.5 of the Business and Professions Code is amended to read:

10235.5. (a) A real estate licensee or mortgage loan originator shall not place an advertisement disseminated primarily in this state for a loan unless there is disclosed within the printed text of that advertisement, or the oral text in the case of a radio or television advertisement, the Department of Real Estate number and the unique identifier assigned to that licensee by the Nationwide Mortgage Multistate Licensing System and Registry under which the loan would be made or arranged.

(b) “Mortgage loan originator,” “unique identifier,” and “Nationwide Mortgage Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 49. Section 10236.4 of the Business and Professions Code is amended to read:
10236.4. (a) In compliance with Section 10235.5, every licensed real estate broker shall also display his or her license number on all advertisements where there is a solicitation for borrowers or potential investors. Every mortgage loan originator, as defined in Section 10166.01, shall also display the unique identifier assigned to that individual by the Nationwide Mortgage Multistate Licensing System and Registry on all advertisements where there is a solicitation for borrowers.

(b) The disclosures required by Sections 10232.4 and 10240 shall include the licensee’s license number, the mortgage loan originator’s unique identifier, if applicable, and the department’s license information telephone number.

(c) “Mortgage loan originator,” “unique identifier,” and “Nationwide Mortgage Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 50. Section 12303 of the Business and Professions Code is amended to read:

12303. The state standards of weights and measures by which all state and county standards of weights and measures shall be tried, proved, and sealed include the following standards, provided the standards have been certified relative to national standards under the direction of the National Institute of Standards and Technology:

(a) Metrological standards provided by the United States.

(b) Metrological standards procured by the state.

(c) Metrological standards in the possession of county sealers.

(d) Metrological standards in the possession of laboratories certified to perform measurement services pursuant to Section 12500.7. 12314.

SEC. 51. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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 XIIIB of the California Constitution.
March 25, 2022

The Honorable Richard Roth, Chair  
Senate Standing Committee on Business,  
Professions and Economic Development  
1021 O Street, Room 3320  
Sacramento, CA 95814

RE: SUPPORT for Senate Bill 1495

Dear Chairman Roth:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) has voted to take a position of Support on Senate Bill (SB 1495), which is scheduled to be heard by the Senate Standing Committee on Business, Professions and Economic Development April 18, 2022.

As it pertains to the Board, SB 1495 would amend Business and Professions Code section 7841.2 relating to applications for certification as a Geologist-in-Training. The amendments would allow applicants to certify that they meet the requirements for certification without the Board having to independently confirm the applicants’ qualifications. The Geologist-in-Training certification is an entry-level certificate that does not allow the holder to practice, or offer to practice, geology. When an individual applies for licensure as a Professional Geologist, the Board then confirms that the applicant has the required education and experience for licensure. By allowing applicants to self-certify to their qualifications for the entry-level certificate, the Board will be able to process the applications and issue the certificates more expeditiously, while still confirming an individual’s qualifications at the time of licensure at the professional level.

If you wish to discuss the Board’s position on this bill further, I may be contacted at Nancy.Eissler@dca.ca.gov or 916-999-3580.

Sincerely,

Original Signed

NANCY A. EISSLER  
Assistant Executive Officer
VII. Enforcement

A. Enforcement Statistical Reports
   1. Fiscal Year 2021/22 Update
NOTE: FY20/21 statistics are through March 31, 2022
Complaint Investigation Phase

Number of Open (Pending) Complaint Investigations
(at end of FY or month for current FY)

<table>
<thead>
<tr>
<th></th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>247</td>
<td>239</td>
<td>285</td>
<td>276</td>
</tr>
</tbody>
</table>

Average Days from Opening of Complaint Investigation to Completion of Investigation

<table>
<thead>
<tr>
<th></th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>236</td>
<td>277</td>
<td>274</td>
<td>276</td>
</tr>
</tbody>
</table>

NOTE: FY20/21 statistics are through March 31, 2022
## Complaint Investigation Phase

**Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr-21</td>
<td>31</td>
<td>40</td>
<td>29</td>
<td>32</td>
<td>36</td>
<td>32</td>
<td>21</td>
<td>40</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>May-21</td>
<td>25</td>
<td>21</td>
<td>49</td>
<td>29</td>
<td>37</td>
<td>40</td>
<td>22</td>
<td>38</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Jun-21</td>
<td>39</td>
<td>25</td>
<td>21</td>
<td>45</td>
<td>54</td>
<td>35</td>
<td>29</td>
<td>34</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Jul-21</td>
<td>19</td>
<td>38</td>
<td>25</td>
<td>18</td>
<td>69</td>
<td>40</td>
<td>24</td>
<td>45</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Aug-21</td>
<td>45</td>
<td>19</td>
<td>37</td>
<td>22</td>
<td>50</td>
<td>51</td>
<td>36</td>
<td>34</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Sep-21</td>
<td>12</td>
<td>40</td>
<td>17</td>
<td>35</td>
<td>38</td>
<td>71</td>
<td>34</td>
<td>38</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Oct-21</td>
<td>38</td>
<td>12</td>
<td>38</td>
<td>17</td>
<td>57</td>
<td>54</td>
<td>51</td>
<td>37</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Nov-21</td>
<td>35</td>
<td>36</td>
<td>12</td>
<td>37</td>
<td>51</td>
<td>54</td>
<td>42</td>
<td>45</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Dec-21</td>
<td>21</td>
<td>36</td>
<td>34</td>
<td>12</td>
<td>51</td>
<td>56</td>
<td>46</td>
<td>48</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Jan-22</td>
<td>24</td>
<td>19</td>
<td>28</td>
<td>41</td>
<td>45</td>
<td>48</td>
<td>41</td>
<td>39</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Feb-22</td>
<td>43</td>
<td>23</td>
<td>20</td>
<td>32</td>
<td>40</td>
<td>59</td>
<td>36</td>
<td>37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mar-22</td>
<td>18</td>
<td>43</td>
<td>20</td>
<td>17</td>
<td>53</td>
<td>44</td>
<td>37</td>
<td>44</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Complaint Investigation Phase
Outcome of Completed Investigations

NOTE: FY20/21 statistics are through March 31, 2022
Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.
Cite = Referred for Issuance of Citation
FDA = Referred for Formal Disciplinary Action
Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

- FY18/19: 83 Referred, 75 Issued
- FY19/20: 87 Referred, 74 Issued
- FY20/21: 97 Referred, 87 Issued
- FY21/22: 84 Referred, 83 Issued

Number of Citations Issued and Final

- FY18/19: 75 Issued, 87 Final
- FY19/20: 74 Issued, 79 Final
- FY20/21: 87 Issued, 95 Final
- FY21/22: 83 Issued, 70 Final

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

- FY18/19: 236 days
- FY19/20: 138 days
- FY20/21: 142 days
- FY21/22: 142 days

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

- FY18/19: 587 days
- FY19/20: 505 days
- FY20/21: 533 days
- FY21/22: 495 days

NOTE: FY20/21 statistics are through March 31, 2022
Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

<table>
<thead>
<tr>
<th></th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred</td>
<td>34</td>
<td>38</td>
<td>38</td>
<td>28</td>
</tr>
<tr>
<td>Final</td>
<td>30</td>
<td>30</td>
<td>28</td>
<td>17</td>
</tr>
</tbody>
</table>

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

NOTE: FY20/21 statistics are through March 31, 2022
## Complaint Investigation Phase

### Number of Complaint Investigations Opened & Completed by Month
#### 12-Month Cycle

<table>
<thead>
<tr>
<th>Month</th>
<th>Complaint Investigations Opened</th>
<th>Complaint Investigations Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2021</td>
<td>32</td>
<td>19</td>
</tr>
<tr>
<td>May 2021</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>June 2021</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>July 2021</td>
<td>19</td>
<td>23</td>
</tr>
<tr>
<td>August 2021</td>
<td>46</td>
<td>30</td>
</tr>
<tr>
<td>September 2021</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>October 2021</td>
<td>39</td>
<td>18</td>
</tr>
<tr>
<td>November 2021</td>
<td>41</td>
<td>35</td>
</tr>
<tr>
<td>December 2021</td>
<td>23</td>
<td>30</td>
</tr>
<tr>
<td>January 2022</td>
<td>24</td>
<td>41</td>
</tr>
<tr>
<td>February 2022</td>
<td>53</td>
<td>52</td>
</tr>
<tr>
<td>March 2022</td>
<td>18</td>
<td>32</td>
</tr>
</tbody>
</table>

### Complaint Investigations Opened and Completed
#### Total by Fiscal Year

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Complaint Investigations Opened</th>
<th>Complaint Investigations Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>328</td>
<td>335</td>
</tr>
<tr>
<td>2019/20</td>
<td>331</td>
<td>335</td>
</tr>
<tr>
<td>2020/21</td>
<td>363</td>
<td>315</td>
</tr>
<tr>
<td>2021/22</td>
<td>275</td>
<td>282</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

### Number of Open (Pending) Complaint Investigations
#### (at end of FY or month for current FY)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Open (Pending) Complaint Investigations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>247</td>
</tr>
<tr>
<td>2019/20</td>
<td>239</td>
</tr>
<tr>
<td>2020/21</td>
<td>285</td>
</tr>
<tr>
<td>2021/22</td>
<td>276</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022
Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Average Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>236</td>
</tr>
<tr>
<td>2019/20</td>
<td>277</td>
</tr>
<tr>
<td>2020/21</td>
<td>274</td>
</tr>
<tr>
<td>2021/22</td>
<td>276</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

Outcome of Completed Investigations

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th># Closed</th>
<th>% Closed</th>
<th># Cite</th>
<th>% Cite</th>
<th># FDA</th>
<th>% FDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>225</td>
<td>67%</td>
<td>83</td>
<td>25%</td>
<td>27</td>
<td>8%</td>
</tr>
<tr>
<td>2019/20</td>
<td>219</td>
<td>65%</td>
<td>87</td>
<td>29%</td>
<td>29</td>
<td>9%</td>
</tr>
<tr>
<td>2020/21</td>
<td>199</td>
<td>63%</td>
<td>97</td>
<td>31%</td>
<td>19</td>
<td>6%</td>
</tr>
<tr>
<td>2021/22</td>
<td>158</td>
<td>56%</td>
<td>84</td>
<td>30%</td>
<td>40</td>
<td>14%</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action
### Complaint Investigation Phase

#### Aging of Open (Pending) Complaint Investigation Cases

**12-Month Cycle**

<table>
<thead>
<tr>
<th>Month</th>
<th>0-30 Days</th>
<th>31-60 Days</th>
<th>61-90 Days</th>
<th>91-120 Days</th>
<th>121-180 Days</th>
<th>181-270 Days</th>
<th>271-365 Days</th>
<th>1-2 Years</th>
<th>2-3 Years</th>
<th>3-4 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2021</td>
<td>31</td>
<td>40</td>
<td>29</td>
<td>32</td>
<td>36</td>
<td>32</td>
<td>21</td>
<td>40</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>May 2021</td>
<td>25</td>
<td>21</td>
<td>49</td>
<td>29</td>
<td>37</td>
<td>40</td>
<td>22</td>
<td>38</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>June 2021</td>
<td>39</td>
<td>25</td>
<td>21</td>
<td>45</td>
<td>54</td>
<td>35</td>
<td>29</td>
<td>34</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>July 2021</td>
<td>19</td>
<td>38</td>
<td>25</td>
<td>18</td>
<td>69</td>
<td>40</td>
<td>24</td>
<td>45</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>August 2021</td>
<td>45</td>
<td>19</td>
<td>37</td>
<td>22</td>
<td>50</td>
<td>51</td>
<td>36</td>
<td>34</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>September 2021</td>
<td>12</td>
<td>40</td>
<td>17</td>
<td>25</td>
<td>38</td>
<td>71</td>
<td>34</td>
<td>38</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>October 2021</td>
<td>38</td>
<td>12</td>
<td>38</td>
<td>17</td>
<td>57</td>
<td>54</td>
<td>51</td>
<td>37</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>November 2021</td>
<td>35</td>
<td>36</td>
<td>12</td>
<td>37</td>
<td>51</td>
<td>54</td>
<td>42</td>
<td>45</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>December 2021</td>
<td>21</td>
<td>36</td>
<td>34</td>
<td>12</td>
<td>51</td>
<td>56</td>
<td>46</td>
<td>48</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>January 2022</td>
<td>24</td>
<td>19</td>
<td>28</td>
<td>41</td>
<td>45</td>
<td>48</td>
<td>41</td>
<td>39</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>February 2022</td>
<td>43</td>
<td>23</td>
<td>20</td>
<td>32</td>
<td>40</td>
<td>59</td>
<td>36</td>
<td>37</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>March 2022</td>
<td>18</td>
<td>43</td>
<td>20</td>
<td>17</td>
<td>53</td>
<td>44</td>
<td>37</td>
<td>44</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
## Citations (Informal Enforcement Actions)

### Number of Complaint Investigations Referred and Number of Citations Issued

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Complaint Investigations Referred for Issuance of Citation</th>
<th>Citations Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>83</td>
<td>75</td>
</tr>
<tr>
<td>2019/20</td>
<td>87</td>
<td>74</td>
</tr>
<tr>
<td>2020/21</td>
<td>97</td>
<td>87</td>
</tr>
<tr>
<td>2021/22</td>
<td>84</td>
<td>83</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

### Number of Citations Issued and Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Issued</th>
<th>Final</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>75</td>
<td>76</td>
</tr>
<tr>
<td>2019/20</td>
<td>74</td>
<td>79</td>
</tr>
<tr>
<td>2020/21</td>
<td>87</td>
<td>95</td>
</tr>
<tr>
<td>2021/22</td>
<td>83</td>
<td>70</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

### Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>236</td>
</tr>
<tr>
<td>2019/20</td>
<td>138</td>
</tr>
<tr>
<td>2020/21</td>
<td>142</td>
</tr>
<tr>
<td>2021/22</td>
<td>142</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

### Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>587</td>
</tr>
<tr>
<td>2019/20</td>
<td>505</td>
</tr>
<tr>
<td>2020/21</td>
<td>533</td>
</tr>
<tr>
<td>2021/22</td>
<td>495</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022
Formal Disciplinary Actions Against Licensees

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Licensees Referred for Formal Disciplinary Action</th>
<th>Number of Final Disciplinary Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td>2019/20</td>
<td>38</td>
<td>35</td>
</tr>
<tr>
<td>2020/21</td>
<td>30</td>
<td>38</td>
</tr>
<tr>
<td>2021/22</td>
<td>28</td>
<td>17</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>550</td>
</tr>
<tr>
<td>2019/20</td>
<td>490</td>
</tr>
<tr>
<td>2020/21</td>
<td>358</td>
</tr>
<tr>
<td>2021/22</td>
<td>426</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19</td>
<td>923</td>
</tr>
<tr>
<td>2019/20</td>
<td>737</td>
</tr>
<tr>
<td>2020/21</td>
<td>541</td>
</tr>
<tr>
<td>2021/22</td>
<td>747</td>
</tr>
</tbody>
</table>

Current Fiscal Year through March 31, 2022
VIII. Exams/Licensing

A. Examination Updates
B. 2021 Examination Results
IX. **Executive Officer's Report**

A. Rulemaking Status Report  
B. Update on Board's Business Modernization Project  
C. Personnel  
D. ABET  
E. Association of State Boards of Geology (ASBOG)  
F. National Council of Examiners for Engineering and Surveying (NCEES)   
   1. Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV – Update  
   2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Update  
   3. Proposed Motion from New Mexico Board related to NCEES Model Law 130.10.B.2 Related to Professional Engineer Licensure (Possible Action)  
G. Update on Outreach Efforts
Rulemaking Status Report

1. Examination Fees, Abandoned Applications, and Postponements (Title 16, California Code of Regulations sections [16 CCR] 3005, 3024, 3024.5, and 3026)
   o Staff working with DCA Legal to finalize proposal for notice (April 2022).
     o Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
     o Board directed staff to pursue rulemaking proposal on November 8, 2021.

2. Applications, Final Filing Dates, and Schedules of Examinations (16 CCR sections 420, 422, 3021, 3023, 3023.1, and 3032)
   o Staff working with DCA Legal to finalize proposal for notice (April 2022).
     o Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
     o Board directed staff to pursue rulemaking proposal on November 8, 2021.

3. References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers (16 CCR 426.14, 427.10, 427.20, and 427.30)
   o Staff working with DCA Legal to finalize proposal for notice (April 2022).
     o Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
     o Board directed staff to pursue rulemaking proposal on November 8, 2021.

4. Definition of Traffic Engineering (16 CCR 404)
   o Board staff working with DCA Legal to prepare documents for initial notice.
     o Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
     o Board directed staff to pursue rulemaking proposal on March 8, 2018.

5. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR 3003 and 3003.1)
   o Board staff working on pre-notice documents on September 3, 2021.
     o Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board’s website at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.
**PROJECT STATUS REPORT**

| Reporting period: | 1/21/2020 – 4/21/2022 | Project title: | Business Modernization Cohort 1 |

**EXECUTIVE SUMMARY**

**Narrative Summary of Status**

<table>
<thead>
<tr>
<th>Schedule</th>
<th>GREEN</th>
<th>Budget</th>
<th>GREEN</th>
<th>Issues</th>
<th>GREEN</th>
</tr>
</thead>
</table>

**PROJECT MILESTONE STATUS REVIEW**

<table>
<thead>
<tr>
<th>Project Milestones</th>
<th>Status</th>
<th>Completion Date</th>
<th>Issues Exist (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Planning Complete – Project Start</td>
<td>Complete</td>
<td>1/13/2020</td>
<td>No</td>
</tr>
<tr>
<td>Go Live – Most Viable Product (MVP1)</td>
<td>Complete</td>
<td>9/16/2020</td>
<td>No</td>
</tr>
<tr>
<td>Go Live - Product Increment 2 (PI2)</td>
<td>Complete</td>
<td>1/20/2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live - Product Increment 3 (PI3)</td>
<td>Complete</td>
<td>6/16/2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live Product Increment 3.5 (PI3.5)</td>
<td>Complete</td>
<td>11/10/2021</td>
<td>No</td>
</tr>
<tr>
<td>Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live</td>
<td>On-going</td>
<td>Jan 2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live – PI4</td>
<td>Estimated</td>
<td>4/29/2022</td>
<td>No</td>
</tr>
</tbody>
</table>

PI 4 – Further development on investigation monitoring/management and additional licensing and cashiering functionality.
Greetings NCEES Western Zone Interim Meeting attendees:

I am reaching out today as the Chair of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors (NMBLPEPS). Like NCEES, NMBLPEPS has seen an imperative need to focus on license mobility. In some circumstances we have faced situations where seemingly qualified candidates are unable to gain licensure into New Mexico despite a lengthy history of regulated practice in other jurisdictions.

As licensing boards, we may not all agree on the standards for suitable initial entry into the profession. However, once someone has been practicing under an attentive jurisdiction for years without incident the differences between our initial barriers seem less critical to our shared goal of safeguarding life, health, and property, and to promote the public welfare.

To address this concept, NMBLPEPS adopted a new path to comity for engineers that is at the same time simple and rigorous (NMSA 61-23-14.1.D.(3)). The requirements are essentially: 1) to be actively licensed in a United States jurisdiction for a minimum of 10 years prior to application, 2) not have any disciplinary activity related to conduct or practice in the five years immediately preceding application, and 3) not ever have had a professional license suspended or revoked.

Many Boards are faced with political initiatives that seek to remove essentially all perceived “barriers to licensure”. Often this takes the form of a carte blanche immediate acceptance of licensees from other jurisdictions regardless of the initial entry requirements- essentially a lowest bar approach to professional licensing. NMBLPEPS believes that the best way to counter this is to offer a credible alternative that is based in demonstrated experience and acceptable practice. As such, NMBLPEPS will be asking for Western Zone support of a motion to amend subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination of Engineers and Surveyors (NCEES). A recent motion passed by NMBLPEPS specifically including the language to be added to subpart 130.10.B.2.b. is attached for your consideration.

Those familiar with NCEES will immediately recognize that change happens slowly within the organization. This is by design and is generally appropriate given our collective responsibilities. However, we need to get the ball rolling, and if we fail to take appropriate measures soon I believe we will very likely be handed a solution by our respective political oversight bodies that will prove far less palatable.

If you have any questions regarding how this comity path has worked in New Mexico or would like to discuss any aspect of this proposal, please feel free to reach out in advance of the Western Zone meeting or speak with me at the meeting.

NMBLPEPS would greatly appreciate your support on this initiative. Thank you for your consideration.

Karl E. Tonander, P.G., P.E.
NMBLPEPS Board Chair
Whereas the New Mexico Board of Professional Engineers and Professional Surveyors (NMBLPEPS) acknowledges the need to improve professional engineer licensure mobility into New Mexico and throughout the United States; and

Whereas NMBLPEPS recognizes that the licensing jurisdictions within the United States often have unique criteria that limit professional engineer mobility; and

Whereas NMBLPEPS acknowledges that licensing boards play a vital role in supervising professional registrants, and that such supervision and resultant actions taken against registrants can be used to evaluate the character and quality of a registered professional; and

Whereas NMBLPEPS took measures to remove regulatory barriers into New Mexico for Professional Engineers by adopting certain changes to its Act and Rules, and those changes have proven successful in removing barriers without increased hazard to the public we serve, now therefore be it

Resolved that NMBLPEPS will advocate for the passage of a change to subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination of Engineers and Surveyors (NCEES) as follows:

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

1. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

2. An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

3. An individual holding a certificate of licensure to engage in the practice of engineering issued by the District of Columbia, another state, a territory, or a possession of the United States, may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three (3) of the following criteria:
   a) has been actively licensed for a minimum of ten (10) years contiguous immediately preceding application to this jurisdiction;
   b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and
   c) has not had their professional license suspended or revoked at any time from any jurisdiction.
# QUARTERLY OUTREACH REPORT (Q3)
## SOCIAL MEDIA: JANUARY- MARCH 2022

## TOP FACEBOOK POSTS

<table>
<thead>
<tr>
<th>Post Description</th>
<th>Date</th>
<th>Views</th>
</tr>
</thead>
<tbody>
<tr>
<td>131 Years Ago Today</td>
<td>3/31</td>
<td>789</td>
</tr>
<tr>
<td>UCLA “Thank You for Hosting Us”</td>
<td>2/16</td>
<td>513</td>
</tr>
<tr>
<td>CSU Chico “Thank You for Hosting Us”</td>
<td>2/17</td>
<td>490</td>
</tr>
<tr>
<td>Unanticipated Volume of Applicants</td>
<td>3/18</td>
<td>460</td>
</tr>
<tr>
<td>Board Members Pix at March 7 Mtg</td>
<td>3/10</td>
<td>350</td>
</tr>
</tbody>
</table>

## TOP TWEETS

<table>
<thead>
<tr>
<th>Tweet Description</th>
<th>Date</th>
<th>Views</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Members Pix at March 7 Mtg</td>
<td>3/10</td>
<td>233</td>
</tr>
<tr>
<td>World Water Day</td>
<td>3/22</td>
<td>200</td>
</tr>
<tr>
<td>Meeting Materials for March 7 Mtg</td>
<td>3/2</td>
<td>195</td>
</tr>
<tr>
<td>UC Riverside “Thank You for Hosting”</td>
<td>2/24</td>
<td>115</td>
</tr>
<tr>
<td>CPUC “Thank You for Hosting”</td>
<td>2/25</td>
<td>110</td>
</tr>
</tbody>
</table>

## WEB PAGE VIEWS

<table>
<thead>
<tr>
<th>Page Description</th>
<th>Views</th>
</tr>
</thead>
<tbody>
<tr>
<td>License lookup</td>
<td>259,223</td>
</tr>
<tr>
<td>Board Front Page</td>
<td>187,505</td>
</tr>
<tr>
<td>Applicants Information</td>
<td>132,710</td>
</tr>
<tr>
<td>PE Application</td>
<td>107,302</td>
</tr>
<tr>
<td>Licensee Information</td>
<td>75,972</td>
</tr>
</tbody>
</table>
# QUARTERLY OUTREACH REPORT (Q3)

## OUTREACH EVENTS: JANUARY- MARCH 2022

*ALL Virtual Unless Noted*

### JANUARY 2022

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 6</td>
<td>LA CLSA Chapter Presentation.</td>
<td>D. Sweeney, P.L.S.</td>
</tr>
<tr>
<td>Jan 11</td>
<td>Napa Engineers Society Presentation.</td>
<td>N. King, PE &amp; M. Donelson, PE</td>
</tr>
<tr>
<td>Jan 19</td>
<td>ASCE YMF San Diego Presentation.</td>
<td>N. King, PE</td>
</tr>
<tr>
<td>Jan 20</td>
<td>ASCE YMF Orange County Presentation.</td>
<td>N. King, PE</td>
</tr>
<tr>
<td>Jan 27</td>
<td>ASCE YMF Sacramento Presentation.</td>
<td>N. King, PE</td>
</tr>
<tr>
<td>Jan 31</td>
<td>ASCE YMF San Diego Presentation.</td>
<td>N. King, PE</td>
</tr>
</tbody>
</table>

### FEBRUARY 2022

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 15</td>
<td>UCLA ASCE &amp; EERI – SEAOSC PE Exam Prep.</td>
<td>N. King, PE</td>
</tr>
<tr>
<td>Feb 15</td>
<td>Lot Line Adjustments Discussions w/El Dorado, Sacramento &amp; Placer County Surveyors</td>
<td>D. Sweeney, P.L.S.</td>
</tr>
<tr>
<td>Feb 16</td>
<td>CSU Chico Presentation.</td>
<td>M. Donelson PE, N. King, PE</td>
</tr>
<tr>
<td>Feb 17</td>
<td>CELSA Annual Members Meeting -Discussed Concerns w/Unlicensed Surveying Practice and Its Effects on Industry.</td>
<td>R. Moore, P.L.S.</td>
</tr>
<tr>
<td>Feb 23</td>
<td>UC Riverside Senior Design Presentation.</td>
<td>M. Donelson, PE</td>
</tr>
<tr>
<td>Feb 24</td>
<td>CPUC Presentation.</td>
<td>N. King, PE</td>
</tr>
<tr>
<td>Feb 25</td>
<td>Cal Poly, SLO Electrical Engineering Presentation.</td>
<td>M. Donelson, PE</td>
</tr>
</tbody>
</table>

### MARCH 2022

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 3</td>
<td>CSU Sacramento GIT Presentation.</td>
<td>L. Racca, PG</td>
</tr>
<tr>
<td>Mar 11</td>
<td>CSU San Bernardino GIT Presentation.</td>
<td>L. Racca, PG</td>
</tr>
<tr>
<td>Mar 17</td>
<td>CSU Fresno, GIT Presentation.</td>
<td>L. Racca, PG</td>
</tr>
<tr>
<td>Mar 17</td>
<td>Assoc. of Environmental &amp; Engineering Geologists (AEG), San Joaquin Chapter, Presentation on Licensing and Career Flexibility.</td>
<td>L. Racca, PG</td>
</tr>
<tr>
<td>Mar 25</td>
<td>SEAOC Board of Directors Mtg., Discuss NCEES 16 Hour Structural Exam.</td>
<td>R. Moore, P.L.S. and A. Asgari, SE (In Person)</td>
</tr>
</tbody>
</table>
X. President's Report/Board Member Activities
XI. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the March 7, 2022, Board Meeting
I. Roll Call to Establish a Quorum
President Mathieson called the meeting to order at 9:43 a.m., and a quorum was established.

II. Pledge of Allegiance
Ms. Wong led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda
No public comment.

Mr. Moore took a moment to introduce Board staff and their responsibilities. Laurie Racca, Senior Registrar for Geology and Geophysics, announced she is retiring in July.

IV. Administration
A. Fiscal Year 2021/22 Budget Report
Ms. Hall reported on the Budget. The Board is expecting $172,000 back in COVID-19 related expenses. She provided updated results for revenue that are a result of the fee increase.
As for the expenses, the projections were updated with an added healthcare stipend that is included for state employees to the Personal Services line. Printing costs are higher due to EDD contract transition which is billing for prior Fiscal Years.

Mr. King requested the Fund Condition report be included in the meeting materials again and asked about a possible fee increase. Mr. Moore will discuss the fee increase with the managers and consult with the Budget Liaison for the best recommendation and report back to the Board.

V. Legislation
A. 2022 Legislative Calendar
Ms. Eissler reviewed the Legislative calendar.

B. Discussion of Legislation for 2022
1. **AB 646** (Low) Department of Consumer Affairs: boards: expunged convictions.

   **MOTION:** Mr. King and Dr. Amistad moved to take a position of Watch on AB 646, as amended January 24, 2022.

   **VOTE:** 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


   No action taken.

3. **AB 1662** (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
MOTION: Mr. King and Vice-President D’Antonio moved to take a position of “oppose unless amended” on AB 1662.

VOTE: 9-2, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. **AB 1733** (Quirk) State bodies: open meetings.

MOTION: Mr. King and Ms. Wong moved to take a position of “Support” on AB 1733.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. **AB 1795** (Fong) Open meetings: remote participation.
MOTION: Mr. King and Mr. Sanchez moved to take a position of “Watch” on AB 1795.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D'Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. SB 1120 (Jones) California Coordinate System.

MOTION: Mr. Novak and Mr. Johnson moved to take a position of “Support” on SB 1120, as amended March 2, 2022.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D'Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7. SB 1237 (Newman) Licenses: military service.
MOTION: Ms. Wong and Dr. Amistad moved to take a position of “Watch” on SB 1237.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Michael Hartley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

8. SB 1365 (Jones) Licensing boards: procedures.

MOTION: Mr. King and Vice-President D’Antonio moved to take a position of “Watch” on SB 1365.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Michael Hartley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

9. SB 1443 (Roth) The Department of Consumer Affairs.
MOTION: Mr. King and Dr. Amistad moved to take a position of “Watch” on SB 1443, as introduced, and authorize staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710.

VOTE: 10-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. SB 1487 (Rubio) Professional Engineers Act: titles.

MOTION: Mr. Johnson and Dr. Amistad moved to take a position of “Watch” on SB 1487.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. Senate Committee on Business, Professions and Economic Development
2022 Omnibus Bill

MOTION: Mr. King and Dr. Amistad moved to authorize staff to represent that the Board has a position of “Support” on the bill once it is introduced and contains the Board’s legislative proposal relating to Section 7841.2.

VOTE: 11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VI. Enforcement
A. Enforcement Statistical Reports
   1. Fiscal Year 2021/22 Update
      Ms. Criswell presented the Enforcement statistics.

VII. Exams/Licensing
A. Examination Updates
   Mr. Kereszt reported that the spring ASBOG examinations, which consist of the Fundamentals of Geology and the Practice of Geology examinations, will take place March 18, 2022, at the Wyndham Hotel, Sacramento. The California Specific Examination (CSE) for Professional Geologists will take place March 8, 2022, and the California state-specific Professional Land Surveyor examination will take place April 18, 2022, both at Prometric testing centers.

   B. 2021 Examination Results
      Mr. Kereszt presented the Board with a statistical report that represented the examinations administered during 2021.

   C. Presentation from Prometric, Inc., Regarding Civil Engineer Occupational Analysis
Alyssa Rulf Fountain, representing Prometric, provided a virtual presentation that explained the occupational analysis process and answered Board member questions on other exam issues.

IX. Executive Officer's Report
F. National Council of Examiners for Engineering and Surveying (NCEES)
   1. Discussion with Western Zone Vice President Scott Bishop, P.S. (UT)
      Western Zone Vice-President Scott Bishop provided a presentation on the mission, vision, functions, and the organizational structure of NCEES including their products, services, and resources.

VIII. Strategic Planning
Review Draft Goals and Objectives
Mr. Moore reviewed the highlighted items in the draft version of the Strategic Plan.

   Goal 4: Enforcement item 4.4, *Continue to reduce investigation timelines to streamline enforcement against violators and be responsive to complainants.* Mr. Moore noted that normally we do not establish a goal or objective that does not have a definitive measurement. However, he believes it is important to address and decide whether to maintain this language or revise.

   Goal 6: Customer Service and Administration item 6.7. *Consider including management and senior registrar backgrounds and credentials and a staff email and phone directory on the website to inform stakeholders of professional qualifications of the staff who carry out the Board's mission day to day.* The Contact Us page on the Board’s website focuses on the tasks and responsibilities, not the person. Mr. Moore wants to maintain a conduit of information that is consistent and ensure that all queries are handled in an appropriate manner. He reviewed other boards’ websites and discovered that their contact information is similar to the Board’s. Mr. Moore recommended removing this item as a goal. Mr. Hartley indicated that there is more to this Goal than a staff directory. He would like to see the professional qualifications. Mr. Moore indicated that Board staff provides bios when they perform outreach presentations if the presenters wish to introduce them. If our registrars are licensed professionals, that should be sufficient, and they should not be required to demonstrate their qualifications on the Board’s website.

   Mr. King recommended removing apostrophes from the listed decades in the “About the Board” listing.

   President Mathieson suggested modifying Goal 2: Applications and Examinations 2.6 *Advocate for national exam standards and ensure state exams maintain their high quality and accurately reflect the knowledge and skills needed in the profession to accurately measure applicants’ qualifications to practice in California.*
She believes there are already exam standards and perhaps the goal should say advocate for high national and state exam standards. Mr. King suggested modifying it to read, *Advocate for national and state exam standards to maintain their high quality and which accurately reflect...* Dr. Qureshi suggested removing the word accurately as it appears twice in the same sentence. *Advocate for national and state exam standards to maintain their high quality and which reflect...*

President Mathieson referenced page 149 Goal 4 inconsistency. Change “the practices of engineering, land surveying, geology, and geophysics” to “the Board’s Professions” to maintain consistency.

President Mathieson suggested modifying Goal 4: 4.5 delete the word “state” and change “agencies” to “entities”.

During public comment, Alan Escarda, representing PECG, expressed his appreciation of the work being done on the Strategic Plan.

| MOTION: | Ms. Wong and Mr. Sanchez moved to approve the amended version of the Strategic Plan. |
| VOTE:   | 11-0, Motion Carried |

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

IX. Executive Officer's Report
A. Rulemaking Status Report
   Mr. Moore reviewed the Rulemaking Status Report. Staff is working with DCA’s Liaison for Regulations and prioritizing 1-3 to ensure they are submitted in a timely manner.

B. Update on Board’s Business Modernization Project
Mr. Moore reported we are currently in the final sprint of Product Increment 4, which is scheduled to end in the next few weeks. It will then go into user acceptance testing for all four entities. The focus is on Enforcement with refinements being made to the complaint submittal process and also the ability for staff to manage and monitor workload for their assigned investigations. There are refinements related to licensing as well. 60% related to Enforcement, and 40% related to licensing.

He also reviewed the correspondence from the California Department of Technology (CDT) to Director Kimberly Kirchmeyer which detailed their approval of the continuation of the California Department of Consumer Affairs (DCA) Business Modernization Cohort.

C. Personnel
Mr. Moore reported on two new hires. Angelina Vega was hired in the Administrative Unit as the Board’s Human Resources Specialist, and Candace Hayashida was hired in the Examinations Unit for exam development.

Staff is currently working with CalHR to help fill the vacancy that will be left as a result of Laurie Racca’s retirement.

There are currently four vacancies. One of the vacancies is in the Administrative Unit, and three are in the Licensing Unit.

D. ABET
No report given.

E. Association of State Boards of Geology (ASBOG)
Mr. Moore noted that staff remains in communication with ASBOG as they navigate their transition to Computer Based Testing (CBT).

F. National Council of Examiners for Engineering and Surveying (NCEES)
2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Update
Mr. Moore announced that Alireza Asgari, Michael Hartley, and Nancy Eissler will attend as funded delegates. Mr. Moore will also attend as a Member Board Administrator and Dr. Qureshi as Western Zone Assistant Vice-President.

Mr. Moore announced the Professional Activities and Knowledge Study (PAKS) for the Professional Surveying exam is now available through the Board’s website. He expressed the importance of participation by licensees as it aids in the reevaluation of the exam as it currently exists.

G. Update on Outreach Efforts
Mr. Moore reviewed the top social media posts and website views.
X. President's Report/Board Member Activities
President Mathieson reported on the upcoming succession planning for President and Vice President and encouraged Board members who are interested to contact the Nominating Committee, which consists of Dr. Amistad and Dr. Asgari. She also reported that she virtually attended the Board President training provided by DCA.

Dr. Asgari reported that he participated in the NCEES Exams for Professional Engineers (EPE) Committee meeting where they discussed the plumbing mechanical engineering module. It was recommended that it be referred back for more information as the evidence is not adequate and did not demonstrate a need.

XI. Approval of Meeting Minutes
A. Approval of the Minutes of the January 10-11, 2022, Board Meeting

MOTION:
Mr. King and Dr. Qureshi moved to approve the minutes.

VOTE:
11-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Mathieson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice-President D’Antonio</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alireza Asgari</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duane Friel</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Michael Hartley</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathy Jones Irish</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Eric Johnson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coby King</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Novak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mohammad Qureshi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Ruffino</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Wilfredo Sanchez</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christina Wong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting
Mr. Moore reported that he is open to the possibility of alternate locations for the next Board meeting. Ms. Calderone will check the availability of the Department’s conference room as a back-up plan.

XIII. Closed Session – The Board met in Closed Session to discuss, as needed:
A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XIV. Adjournment

Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT
Bob DeWitt, ACEC
Alan Escarda, PECG
Scott Bishop, NCEES
XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting
XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:

A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
D. Pending Litigation [Pursuant to Government Code section 11126(e)]
XIV. Adjournment

Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.