

**Introduced by Senator Price**February 15, 2013

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An act to amend Sections 2001, 2020, 2569, 3010.5, and 3014.6 of the Business and Professions Code, relating to healing arts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 304, as introduced, Price. Healing arts: boards.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs, including the Medical Board of California. Existing law requires the Governor to appoint members to the board, as provided. Existing law authorizes the board to employ an executive director. Existing law provides that those provisions will be repealed on January 1, 2014. Under existing law, the board is subject to evaluation by the Joint Sunset Review Committee.

This bill would instead repeal those provisions on January 1, 2018, and subject the board to review by the appropriate policy committees of the Legislature.

Existing law provides for the regulation of registered dispensing opticians by the Medical Board of California and requires that the powers and duties of the board in that regard be subject to review by the Joint Sunset Review Committee as if those provisions were scheduled to be repealed on January 1, 2014.

This bill would instead make the powers and duties of the board subject to review by the appropriate policy committees of the Legislature as if those provisions were scheduled to be repealed on January 1, 2018.

Existing law provides for the licensure and regulation of optometrists by the State Board of Optometry. Existing law requires that the board consist of specified members and authorizes the board to appoint an

executive officer. Existing law repeals those provisions on January 1, 2014 and subjects the board to review by the Joint Sunset Review Committee.

This bill would instead repeal those provisions on January 1, 2018, and require that the board be subject to review by the appropriate policy committees of the Legislature.

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

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

1 SECTION 1. Section 2001 of the Business and Professions  
 2 Code is amended to read:  
 3 2001. (a) There is in the Department of Consumer Affairs a  
 4 Medical Board of California that consists of 15 members, seven  
 5 of whom shall be public members.  
 6 (b) The Governor shall appoint 13 members to the board, subject  
 7 to confirmation by the Senate, five of whom shall be public  
 8 members. The Senate Committee on Rules and the Speaker of the  
 9 Assembly shall each appoint a public member.  
 10 ~~(c) Notwithstanding any other provision of law, to reduce the~~  
 11 ~~membership of the board to 15, the following shall occur:~~  
 12 ~~(1) Two positions on the board that are public members having~~  
 13 ~~a term that expires on June 1, 2010, shall terminate instead on~~  
 14 ~~January 1, 2008.~~  
 15 ~~(2) Two positions on the board that are not public members~~  
 16 ~~having a term that expires on June 1, 2008, shall terminate instead~~  
 17 ~~on August 1, 2008.~~  
 18 ~~(3) Two positions on the board that are not public members~~  
 19 ~~having a term that expires on June 1, 2011, shall terminate instead~~  
 20 ~~on January 1, 2008.~~  
 21 ~~(d)~~  
 22 (c) This section shall remain in effect only until January 1, 2014,  
 23 2018, and as of that date is repealed, unless a later enacted statute,  
 24 that is enacted before January 1, 2014, 2018, deletes or extends  
 25 that date. ~~The Notwithstanding any other law, the repeal of this~~  
 26 ~~section renders the board subject to the review required by Division~~  
 27 ~~1.2 (commencing with Section 473): review by the appropriate~~  
 28 *policy committees of the Legislature.*

1 SEC. 2. Section 2020 of the Business and Professions Code is  
2 amended to read:

3 2020. (a) The board may employ an executive director exempt  
4 from the provisions of the Civil Service Act and may also employ  
5 investigators, legal counsel, medical consultants, and other  
6 assistance as it may deem necessary to carry this chapter into effect.  
7 The board may fix the compensation to be paid for services subject  
8 to the provisions of applicable state laws and regulations and may  
9 incur other expenses as it may deem necessary. Investigators  
10 employed by the board shall be provided special training in  
11 investigating medical practice activities.

12 (b) The Attorney General shall act as legal counsel for the board  
13 for any judicial and administrative proceedings and his or her  
14 services shall be a charge against it.

15 (c) This section shall remain in effect only until January 1, ~~2014,~~  
16 ~~2018~~, and as of that date is repealed, unless a later enacted statute,  
17 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends  
18 that date.

19 SEC. 3. Section 2569 of the Business and Professions Code is  
20 amended to read:

21 2569. ~~The~~ *Notwithstanding any other law, the* powers and  
22 duties of the board, as set forth in this chapter, shall be subject to  
23 ~~the review required by Division 1.2 (commencing with Section~~  
24 ~~473); review by the appropriate policy committees of the~~  
25 *Legislature.* The review shall be performed as if this chapter were  
26 scheduled to be repealed as of January 1, ~~2014,~~ ~~as described in~~  
27 ~~Section 473.1. 2018.~~

28 SEC. 4. Section 3010.5 of the Business and Professions Code  
29 is amended to read:

30 3010.5. (a) There is in the Department of Consumer Affairs  
31 a State Board of Optometry in which the enforcement of this  
32 chapter is vested. The board consists of 11 members, five of whom  
33 shall be public members.

34 Six members of the board shall constitute a quorum.

35 (b) The board shall, with respect to conducting investigations,  
36 inquiries, and disciplinary actions and proceedings, have the  
37 authority previously vested in the board as created pursuant to  
38 Section 3010. The board may enforce any disciplinary actions  
39 undertaken by that board.

1 (c) This section shall remain in effect only until January 1, ~~2014,~~  
2 ~~2018~~, and as of that date is repealed, unless a later enacted statute,  
3 that is enacted before January 1, ~~2014, 2018~~, deletes or extends  
4 that date. ~~The Notwithstanding any other law, the~~ repeal of this  
5 section renders the board subject to ~~the review required by Division~~  
6 ~~1.2 (commencing with Section 473):~~ *review by the appropriate*  
7 *policy committees of the Legislature.*

8 SEC. 5. Section 3014.6 of the Business and Professions Code  
9 is amended to read:

10 3014.6. (a) The board may appoint a person exempt from civil  
11 service who shall be designated as an executive officer and who  
12 shall exercise the powers and perform the duties delegated by the  
13 board and vested in him or her by this chapter.

14 (b) This section shall remain in effect only until January 1,  
15 ~~2014, 2018~~, and as of that date is repealed, unless a later enacted  
16 statute, that is enacted before January 1, ~~2014, 2018~~, deletes or  
17 extends that date.