

Agenda Item #10



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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DATE May 3, 2011

TO Board Members

FROM 
Linda Ruyters
Administrative Analyst

SUBJECT Legislative Report

The attached report is current as of this date. If more current information becomes available, an updated report will be distributed during the May 20, 2011, Regular Board Meeting. At this time we are tracking the following proposed legislation: Assembly Bill (AB) 127, AB 366, AB 425, AB 429, AB 535, AB 632, Senate Bill (SB) 60, SB 400, SB 401, SB 538, SB 539, SB 541, SB 544, SB 688, SB 747, SB 794, SB 943, and SB 944.

Letters of Support have been sent to:

- Senator Sam Blakeslee: Senator Blakeslee introduced SB 794 on February 18, 2011. This proposed legislation addresses the issue of battery by “gassing.”
- Senator Noreen Evans: Senator Evans introduced SB 60 on March 24, 2011. This proposed legislation addresses the safety of workers and patients in state hospitals.
- Senator Curren D. Price, Jr.:
 - ❖ Senator Price introduced SB 539 on February 17, 2011. This legislation will enable the Board to continue operating to fulfill our mission and purpose. Since then, the bill has been amended to include mandatory reporting and a change in terminology.
 - ❖ Senator Price also introduced SB 541 on February 17, 2011. This legislation will allow the Board to enter into an agreement with expert consultants and subject matter experts to provide enforcement-related and examination development activities.

BVNPT

CA AB 127	AUTHOR: Logue (R) TITLE: Regulations: Effective Date FISCAL COMMITTEE: no URGENCY CLAUSE: no INTRODUCED: 01/11/2011 DISPOSITION: Pending COMMITTEE: Assembly Business, Professions and Consumer Protection Committee HEARING: 05/03/2011 9:00 am, Room 447 SUMMARY: Requires that a regulation or an order of repeal of a regulation becomes effective, instead, on January 1 next following a 90-day period after the date it is filed with the Secretary of State. STATUS: 04/11/2011 Re-referred to ASSEMBLY Committees on BUSINESS, PROFESSIONS & CONSUMER PROTECTION and ACCOUNTABILITY & ADMIN. REVIEW.
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CA AB 366	AUTHOR: Allen (D) TITLE: Defendants: Involuntary Antipsychotic Medication FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/14/2011 LAST AMEND: 04/25/2011 DISPOSITION: Pending COMMITTEE: Assembly Public Safety Committee HEARING: 05/03/2011 9:00 am, Room 126 SUMMARY: Relates to mentally incompetent defendants. Requires a court to determine if a defendant lacks capacity to make decisions regarding antipsychotic medication before seeking consent from the defendant for those medications. Provides that when, in the opinion of a treating psychiatrist, involuntary administration of antipsychotic medication becomes necessary, that medication must not be administered for more than a specified time period. Requires review of psychiatrist determinations. STATUS: 04/25/2011 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments. 04/25/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.
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CA AB 425	AUTHOR: Nestande (R) TITLE: State Regulations: Review FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/14/2011 DISPOSITION: Pending COMMITTEE: Assembly Business, Professions and Consumer Protection Committee HEARING: 05/03/2011 9:00 am, Room 447 SUMMARY: Requires each state entity that promulgates regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with the statute or other regulations. STATUS: 03/31/2011 To ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.
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CA AB 429	AUTHOR: Knight (R) TITLE: Regulations: Effective Date FISCAL COMMITTEE: yes
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URGENCY no
CLAUSE:
INTRODUCED: 02/14/2011
DISPOSITION: Pending
COMMITTEE: Assembly Business, Professions and Consumer Protection Committee
HEARING: 05/03/2011 9:00 am, Room 447

SUMMARY:

Requires an agency, for any regulation that is has identified as having a gross cost of a specified sum or more, an increased cost of a specified percent or more over the cost of an existing regulation, or both, to submit a copy of the rulemaking record for that regulation to the appropriate policy committee for approval.

STATUS:

03/31/2011 To ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.

CA AB 535 **AUTHOR:** Morrell (R)
TITLE: Regulations: 5-Year Review
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2011
DISPOSITION: Pending
COMMITTEE: Assembly Business, Professions and Consumer Protection Committee
HEARING: 05/03/2011 9:00 am, Room 447

SUMMARY:

Requires a state agency to review and report on regulations that it adopts or amends on and after a specified date 5 years after adoption. Requires that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received within the preceding 5 years and the estimated economic, small business, and consumer impact. Requires the review and report to be available on the Office of Administrative Law's Internet website.

STATUS:

03/31/2011 To ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.

CA AB 632 **AUTHOR:** Wagner (R)
TITLE: Regulations: Legislative Notice
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/16/2011
DISPOSITION: Pending
COMMITTEE: Assembly Business, Professions and Consumer Protection Committee
HEARING: 05/03/2011 9:00 am, Room 447

SUMMARY:

Amends an existing law that requires that an agency mail a notice of proposed action to specified entities prior to the hearing and close of a public comment period on the adoption, amendment, or repeal of a regulation. Requires that the notice also be submitted to the Legislature if it includes particular information relating to economic and cost impacts of the regulation on business and private persons.

STATUS:

03/31/2011 To ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.

CA SB 60 **AUTHOR:** Evans (D)
TITLE: Mental Health: State Hospitals
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 12/22/2010
LAST AMEND: 03/24/2011

DISPOSITION: Pending
COMMITTEE: Senate Public Safety Committee
HEARING: 05/03/2011 9:00 am, Burton Hearing Room (4203) (Please note time change)

SUMMARY:

Prohibits a person who was transferred from a state hospital because he or she committed one of defined serious crimes, from being returned to the hospital until he or she is determined not to represent a substantial risk to harm him- or herself or others. Requires regular assessments of these persons. Requires an assessment prior to admission of a patient being committed pursuant to the Penal Code, and requires such person to be housed in a high risk unit with enhanced security and treatment options.

STATUS:

03/31/2011 Re-referred to SENATE Committee on PUBLIC SAFETY.

CA SB 400

AUTHOR: Dutton (R)
TITLE: Regulations: Impact on Businesses
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/16/2011
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee

SUMMARY:

Amends existing law regarding a regulation to perform an assessment of the potential for adverse economic impact on California business enterprises and individuals. Requires the agency to submit economic assessments for certain regulations to the Office of Administrative Law for purposes of reviewing them. Requires the office to reject a regulation that is based upon an economic assessment that was determined to not be based on sound economic knowledge, methods, and practices.

STATUS:

05/02/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Failed passage.
 05/02/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Reconsideration granted.

CA SB 401

AUTHOR: Fuller (R)
TITLE: Regulations: Repeal Provisions
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/16/2011
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee

SUMMARY:

Requires that every regulation proposed by an agency after January 1, 2012, include a provision repealing the regulation in 5 years. Prohibits the office from approving a proposed regulation unless it contains repeal provisions. Authorizes an agency, in the year prior to a regulations scheduled repeal, to amend the regulation to extend the repeal date, as specified, after complying with certain public hearing requirements.

STATUS:

05/02/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Failed passage.
 05/02/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Reconsideration granted.

CA SB 538

AUTHOR: Price (D)
TITLE: Nursing
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2011
LAST AMEND: 04/25/2011
DISPOSITION: Pending
LOCATION: Senate Second Reading File

SUMMARY:

Extends the application of existing law regarding the employment of specified personnel to investigate and prosecute all violations to the State Board of Registered Nursing. Extends the operation of the board. Specifies that the board is subject to review by the appropriate policy committees of the Legislature. Requires the audit of the board's diversion program. Subjects certain schools of nursing to specified requirements of existing law. Authorizes cease and desist orders to a noncompliant school.

STATUS:

05/02/2011 From SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT: Do pass as amended to Committee on APPROPRIATIONS.

CA SB 539

AUTHOR: Price (D)
TITLE: Nursing
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2011
LAST AMEND: 04/25/2011
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee

SUMMARY:

Extends the operation of the Board of Registered Nursing and a Board of Vocational Nursing and Psychiatric Technicians. Requires an applicant for a licensed vocational nurse or psychiatric technician's license to have successfully completed specified courses of studies from an approved school. Requires an employer to report to the board the resignation for cause of a licensed vocational nurse or psychiatric technician.

STATUS:

05/02/2011 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.

CA SB 541

AUTHOR: Price (D)
TITLE: State License Regulatory Boards: Expert Consultants
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 02/17/2011
LAST AMEND: 04/13/2011
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee

SUMMARY:

Authorizes the State Board Chiropractic Examiners and the Osteopathic Medical Board to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts, to provide enforcement and examination assistance. Requires each board to establish policies and procedures for the selection and use of these consultants.

STATUS:

05/02/2011 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.

CA SB 544

AUTHOR: Price (D)
TITLE: Professions and Vocations: Regulatory Boards
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2011
LAST AMEND: 04/14/2011
DISPOSITION: Pending
LOCATION: Senate Business, Professions & Economic Development Committee

SUMMARY:

Relates to the investigation of a licensee of the Department of Consumer Affairs, agreements to settle civil litigation by a licensee, the audit and review of the processing of inquiries and complaints by healing arts boards, healing arts boards licensee investigations, unprofessional

conduct, crime conviction reporting by licensees, health arts license suspension and revocation, healing arts licenses and registered sex offenders, out-of-state and federal government licensees, and the Physical Therapy Act.

STATUS:

05/02/2011 In SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT: Not heard.

CA SB 688

AUTHOR: Wright (D)
TITLE: Regulations: Legislative Approval
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2011
LAST AMEND: 03/29/2011
DISPOSITION: Pending
COMMITTEE: Senate Environmental Quality Committee
HEARING: 05/04/2011 2:00 pm, Room 3191

SUMMARY:

Amends Administrative Procedure Act to require an agency to produce a detailed estimate of the cumulative statewide costs impact for affected businesses and individuals. Requires the agency to notify specified committees of the Legislature if the estimated cumulative statewide cost impacts for affected businesses exceed a specified amount.

STATUS:

05/02/2011 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

CA SB 747

AUTHOR: Kehoe (D)
TITLE: Lesbian, Gay, Bisexual and Transgender Patients
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2011
LAST AMEND: 04/25/2011
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/09/2011 11:00 am, Burton Hearing Room (4203)

SUMMARY:

Requires physicians and surgeons, physician assistants, registered nurses, licensed vocational nurses, nurse practitioners, psychologists, marriage and family therapists, licensed clinical social workers, psychiatric technicians, and certified nurse assistants to complete at least one course of 2 to 5 hours on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual and transgender persons.

STATUS:

04/25/2011 From SENATE Committee on APPROPRIATIONS with author's amendments.
 04/25/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 794

AUTHOR: Blakeslee (R)
TITLE: Battery: Gassing
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2011
DISPOSITION: Pending
COMMITTEE: Senate Public Safety Committee
HEARING: 05/03/2011 9:00 am, Burton Hearing Room (4203) (Please note time change)

SUMMARY:

Provides that a person confined to a state hospital who commits battery upon the person of a peace officer or employee of a state hospital by gassing is guilty of aggravated battery, punishable by imprisonment. Requires the Department of Mental Health to submit a report regarding gassing incidents at state hospitals.

STATUS:

03/10/2011 To SENATE Committee on PUBLIC SAFETY.

CA SB 943 **AUTHOR:** Senate Business, Professions & Economic Development Committee
TITLE: Healing Arts
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 03/31/2011
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:
 Amends existing law that provides for the licensure and regulation of various healing arts licensees by boards within the Department of Consumer Affairs to include registered dental hygienists, requests for patient's dental records, registered nurse educational requirements, marriage and family therapist units of instructions, clinical social workers, licensed professional clinical counselors, and the Psychology Licensing Law and the Pharmacy Law.
STATUS:
 05/02/2011 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.

CA SB 944 **AUTHOR:** Senate Business, Professions & Economic Development Committee
TITLE: Business and Professions
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 03/31/2011
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:
 Relates to requiring specified plumbing, sign, and well-drilling contractors to display on their business motor vehicle certain identifying information about their contractor's license, the licensure records of schools and instructors that train guide dogs for the blind and blind persons in the use of the dogs, the spaying or neutering of guide and seeing-eye dogs and certification thereof, exempting medical waste haulers from weighmaster requirements, and public works project bidding requirements.
STATUS:
 05/02/2011 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.
