

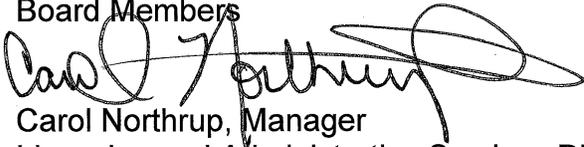


BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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DATE: January 25, 2015

TO: Board Members

FROM: 
Carol Northrup, Manager
Licensing and Administrative Services Division

SUBJECT: Legislative Report

Listed below are key bills the Board is following:

AB12 STATE GOVERNMENT: ADMINISTRATIVE REGULATIONS: REVIEW
AUTHOR: COOLEY (D); CO AUTHORS: CHANG (R), DALY (D), WILK, (R)

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 12/01/2014
AMENDED: 08/19/2015
DISPOSITION: Pending

SUMMARY:

Existing law authorizes various state entities to adopt, amend or repeal regulations for various specified purposes.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. A Department or board within an agency shall notify that agency of revisions to regulations it proposes to make at least 90 days prior to a public noticed hearing, and at least 90 days prior to adoption, amendment, or repeal of the regulations.

STATUS:

Pending Senate Committee on Appropriations.

**AB611 CONTROLLED SUBSTANCES: PRESCRIPTIONS: REPORTING
AUTHOR: DAHLE (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/24/2015
AMENDED: 04/15/2015
DISPOSITION: Pending

SUMMARY:

This bill would authorize an individual designated by a board, bureau, or program within DCA to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. This bill would, upon approval of the application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee. Additionally, the bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

STATUS:

Two year bill – held in Assembly Committee on Business and Professions.

**AB750 BUSINESS AND PROFESSIONS: LICENSES
AUTHOR: LOW (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/25/2015
AMENDED: 04/16/2015
DISPOSITION: Pending

SUMMARY:

This bill authorizes any of the boards, bureaus, commissions, or programs within DCA to establish by regulation a system of a retired category of license for persons who are not actively engaged in the practice of their profession or vacation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. This bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

STATUS:

Held in Assembly Committee on Appropriations.

**AB840 NURSES AND CERTIFIED NURSE ASSISTANTS: OVERTIME
AUTHOR: RIDLEY-THOMAS S (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/26/2015
DISPOSITION: Pending

SUMMARY:

Commencing January 1, 2017, this bill prohibits mandatory overtime for an RN, LVN or a Certified Nursing Assistant (CNA) employed in state hospitals and facilities, except when the nurse or CNA is participating in a surgical procedure and the procedure is still in progress or when an unanticipated catastrophic event has occurred and results in such a large number of patients in need of immediate medical treatment, as specified. This bill would authorize a nurse or CNA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds of discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the nurse or CNA.

STATUS:

Pending Senate Committee on Public Employment and Retirement.

**AB923 RESPIRATORY CARE PRACTITIONERS
AUTHOR: STEINORTH (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/26/2015
AMENDED: 01/04/2016
DISPOSITION: Pending

SUMMARY:

The Respiratory Care Practice Act authorizes the Board to take action against a respiratory care practitioner who is charged with unprofessional conduct which includes repeated acts of direct or indirectly inappropriate or unsafe respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or monitoring techniques, and violation of any provisions for which the board may order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license.

This bill includes among those causes the commission by specified licensees of an act of neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult, without regard to whether the person is patient, and

the knowing provision of false statements or information on any form provided by the Board or to any person representing the board during an investigation, probation monitoring compliance check, or any other enforcement-related check.

STATUS:

Two year bill – Held in Assembly Committee on Appropriations.

**AB1165 VOCATIONAL NURSING: SECONDARY AND POST-SECONDARY
EDUCATION
AUTHOR: RIDLEY-THOMAS S (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
DISPOSITION: Pending

SUMMARY:

This bill provides that the Board has the sole responsibility to assess and recommend approval for schools of vocational nursing and psychiatric technician education programs in the state. This bill also requires the board to enter into a memorandum of understanding with the Bureau of Private Postsecondary Education to delineate the powers of the Board to review and approve schools of vocational nursing and psychiatric technicians.

STATUS:

Two year bill – pending Assembly Committee on Business and Professions.

**SB390 HOME HEALTH AGENCIES: SKILLED NURSING SERVICES
AUTHOR: BATES (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/25/2015
DISPOSITION: Pending

SUMMARY:

This bill requires registered nurses and licensed vocational nurses who provide skilled nursing services for a home health agency to perform their duties consistent with the Nursing Practice Act and the VN Practice Act. This bill also prohibits RNs or LVNs who otherwise meet the qualifications from being required to have a minimum period of professional nursing experience prior to providing skilled nursing services for a home health agency, provided the LVN has successfully completed a skills and competency training program, administered by a licensed home health agency.

STATUS:

Two year bill – pending Assembly Committee on Health; April 22, 2015 set for second hearing. Hearing canceled at request of author.

**SB779 SKILLED NURSING FACILITIES: STAFFING
AUTHOR: HALL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
AMENDED: 05/04/2015
DISPOSITION: Pending

SUMMARY:

This bill increases the minimum number of hours of required direct care per patient in skilled nursing facilities from 3.2 to 4.1. This bill also requires the State Department of Public Health to develop staff-to-patient ratios that convert the direct-care hour's requirement into staffing ratios.

STATUS:

Held in Senate Committee on Appropriations.

**SB780 PSYCHIATRIC TECHNICIANS AND ASSISTANTS: OVERTIME
AUTHOR: MENDOZA (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
DISPOSITION: Pending

SUMMARY:

This bill would prohibit a psychiatric technician (PT) or psychiatric technician assistant (PTA) employed by the State from being compelled to work in excess of a regularly scheduled workweek or work shift, except under certain circumstances. The bill would authorize a PT or PTA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but provides that the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the PT or PTA.

STATUS:

Pending Assembly Committee on Public Employees, Retirement and Social Security.