

Item: **2019 Legislation of Interest**

Item Summary: Following is an update on bills for which the Board previously adopted positions.

Board Action:

1. President calls the agenda item and it is presented by or as directed by the President.
2. For information purposes only. Discussion may ensue.

H.R. 2508 - Rep. Mike Thompson (CA) - Staff Recommended Position: SUPPORT

Title: BREATHE Act

Status: Introduced on May 2, 2019 and referred to the Committee on Energy and Commerce.

This legislation is a 3-year pilot that allows respiratory therapists to furnish disease management services, such as self-management education and training, demonstration/evaluation of proper inhaler techniques, smoking cessation and remote patient monitoring to Medicare beneficiaries with Chronic Obstructive Pulmonary Disease (COPD). Its purpose is to demonstrate the value RTs bring to the health care system and their patients through improved health outcomes and lower costs and to identify RTs as telehealth practitioners in the Medicare statute.

Note: This bill is co-sponsored by T. J. Cox, (CA), Mike Kelly (PA) and Buddy Carter (GA)

AB 193 (Patterson) - Board Position: Watch

Title: Professions and vocations.

Status: This is a two-year bill and dead for 2019.

This bill would require the Department of Consumer Affairs to review all licensing requirements under its jurisdiction, identify unnecessary licensing requirements, and report to the Legislature by January 1, 2023, and every two years thereafter, with a final report due no later than January 1, 2033. This bill would require the Department to apply for federal funds granted to states to conduct licensing reviews. This bill would also require each board within the Department to submit to the Department beginning February 1, 2021, and every 2 years thereafter, an assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information. The Department would be required to submit the information received from the board's assessments along with the Department's aforementioned reviews.

AB 241 (Kamlager-Dove) - Board Position: Watch

Title: Implicit bias: continuing education: requirements.

Status: Signed by the Governor. Chapter 417, Statutes of 2019.

This bill mandates that, by January 1, 2022, all continuing education courses for licensees of the Medical Board, the Osteopathic Medical Board, the Physician Assistant Board, and the Board of Registered Nursing include the understanding of implicit bias and the promotion of bias-reducing strategies. This bill also imposes related mandates on continuing education providers and requires the aforementioned boards to audit continuing education providers for compliance.

AB 476 (Blanca Rubio) - Board Position: Watch

Title: Department of Consumer Affairs: task force: foreign-trained professionals.

Status: Vetoed by the Governor.

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

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

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

AB 496 (Low) - Board Position: Watch

Title: Business and professions.

Status: Signed by the Governor. Chapter 351, Statutes of 2019.

Under existing law, the Department of Consumer Affairs, which is under the control of the director of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. With respect to the Department of Consumer Affairs, existing law provides that the Governor has power to remove from office any member of any board appointed by the Governor for specified reasons, including incompetence.

This is the non-healing arts omnibus bill for the Department of Consumer Affairs that, among other things, provides that a board member's appointing authority has the power to remove that board member from office for specified reasons, and adds household movers to the licensees and registrants the Bureau of Household Goods and Services must disclose information about. This bill also requires the director of the Department to report audit and disciplinary findings annually to the Chairpersons of the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions instead of the Chairpersons of the Senate Committee on Business and Professions and the Assembly Committee on Health

AB 613 (Low) - Staff Recommended Position: WATCH

Title: Professions and vocations: regulatory fees.

Status: This is a two-year bill and dead for 2019.

This bill would authorize each board with the Department of Consumer Affairs to increase their fees every 4 years in an amount not to exceed the increase in the Consumer Price Index in the last 4 years. Fees increased pursuant to this bill would be exempt from the Administrative Procedure Act.

SB 53 (Wilk) - Staff Recommended Position: OPPOSE UNLESS AMENDED

Title: Open meetings.

Status: This is a two-year bill and dead for 2019.

This bill would revise the Bagley-Keene Open Meeting Act regarding state body-created advisory committees, by requiring two-member advisory committees to hold open and public comments if one or more of the advisory committee members is a member of the larger board, committee, or commission, and the advisory committee is supported either wholly or partially by state funds. The purpose of this bill is to make the Bagley-Keene Act mirror provisions of the Ralph M. Brown Act, which governs local governments' open meetings.

SB 181 (Chang) - Board Position: Watch

Title: Healing arts boards.

Status: This is a two-year bill and dead for 2019.

Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring licensees to display their licenses in the locality in which they are treating patients and to make specified disclosures to patients.

This bill would make nonsubstantive changes to that license display and disclosure provision.

SB 207 (Hurtado) - Board Position: Watch

Title: Medi-Cal: asthma preventive services.

Status: This is a two-year bill and dead for 2019.

This bill would include asthma preventive services, as defined, as a covered benefit under the Medi-Cal program. The bill would require the department, in consultation with external stakeholders, to develop a coverage policy consistent with specified federal and clinically appropriate guidelines. The bill would require an entity or supervising licensed Medi-Cal provider and the Medi-Cal asthma services provider to satisfy specified requirements. The bill would authorize the department to implement, interpret, or make specific its provisions without taking regulatory action until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2023, and to provide semiannual status reports to the Legislature until regulations have been adopted. The bill would require the department to seek any federal waivers or other state plan amendments as necessary, and would require these provisions to be implemented if federal approvals are obtained, as specified.