

2021-2022 LEGISLATIVE UPDATES

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board took the following positions on pending legislation during the 2021-2022 legislative session.

AB 29 (Cooper) State bodies: meetings.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting.

Position: Oppose

AB 107 (Salas) Licensure: veterans and military spouses.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 693, Statutes of 2021.

Summary:

Current law requires a board within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. This bill, on and after January 1, 2023, would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.

Position: Oppose Unless Amended

AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. 2 YEAR on 7/14/2021)

Summary:

Current law requires specified boards within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions, a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions.

Position: Oppose Unless Amended

AB 435 (Mullin) Hearing aids: locked programming software: notice.

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 266, Statutes of 2021.

Summary:

Current law requires a licensed hearing aid dispenser or licensed audiologist, upon the consummation of the sale of a hearing aid, to deliver to the purchaser a written receipt containing specified information, including, among other things, the address and office hours at which the licensee is available for servicing of the hearing aid and the terms of any guarantee or written warranty. Current law requires a licensed hearing aid dispenser or a licensed audiologist to maintain certain records, including a copy of the written receipt, for 7 years and to permit inspection by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, upon reasonable notice. This bill would refer to a licensed dispensing audiologist instead of a licensed audiologist in the above-described provisions.

Position: Board Sponsored

AB 457 (Santiago) Protection of Patient Choice in Telehealth Provider Act.

Status: 10/1/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 439, Statutes of 2021.

Summary:

Current law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Under current law, it is unlawful for healing arts licensees, except as specified, to offer, deliver, receive, or accept any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, subject to certain exceptions. This bill would provide that the payment or receipt of consideration for internet-based advertising, appointment booking, or any service that provides information and resources to prospective patients of licensees does not constitute a referral of a patient if the internet-based service provider does not recommend or endorse a specific licensee to a prospective patient.

Position: Watch

AB 486 (Committee on Education) Elementary and secondary education: omnibus bill.

Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 666, Statutes of 2021.

Summary:

Current law establishes a system of public elementary and secondary education in this state. Under that system, various persons have specified duties and powers relating to the operation of elementary and secondary schools, including, among others, the Superintendent of Public Instruction, county superintendents of schools, county auditors, and city, district, deputy, associate, or assistant superintendents of schools. This bill would replace gendered terms with nongendered terms and make various other nonsubstantive changes to provisions related to those persons.

Position: Watch

AB 555 (Lackey) Special education: assistive technology devices.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Would authorize a local educational agency or special education local plan area to retain, sell, or

otherwise dispose of an assistive technology device, including, but not limited to, giving the assistive technology device to the individual with exceptional needs to whom it was assigned, if specified determinations are made.

Position: Oppose Unless Amended

AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.

Status: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)

Summary:

Current 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. 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. Current law 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 its online license search system.

Position: Watch

AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely.

Position: Support

AB 1026 (Smith) Business licenses: veterans.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Would require the Department of Consumer Affairs and any board within the department to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged. This bill would authorize a board to adopt regulations necessary to administer these provisions.

Position: Support

AB 1221 (Flora) Consumer warranties: service contracts: cancellation: disclosures.

Status: 10/4/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 452, Statutes of 2021.

Summary:

The Song-Beverly Consumer Warranty Act, provides consumer warranty protection to buyers of consumer goods, including motor vehicles, home appliances, and home electronic products. The act requires a service contract, as defined, to include certain elements, including a clear description and identification of the covered product. The Electronic and Appliance Repair Dealer Registration Law provides for the registration and regulation of service contractors and, among other things, requires a service contractor to comply with the provisions of the Song-Beverly Consumer Warranty Act described above relating to service contracts. This bill would specify that a service contract may be offered on a month-to-month or other periodic basis and continue until canceled by the buyer or the service contractor and would require a service contract that continues until canceled by the buyer or service contractor to, among other things, disclose to the buyer in a clear and conspicuous manner that the service contract shall continue until canceled by the buyer or service contractor and provide a toll-free number, email address, postal address, and, if one exists, internet website the buyer can use to cancel the service contract.

Position: Watch

AB 1236 (Ting) Healing arts: licensees: data collection.

Status: 2/1/2022-Died on inactive file.

Summary:

Current law requires the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board of California, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to regulate and oversee the practice of healing arts within their respective jurisdictions and to, among other things, collect and report specific demographic data relating to their licensees, subject to a licensee's discretion to report their race or ethnicity, to the Office of Statewide Health Planning and Development. Current law requires these boards to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license. This bill would repeal those provisions and would, instead, require all boards that oversee healing arts licensees to request at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information from its licensees and, if designated by the board, its registrants and to post the information on the internet websites that they each maintain. The bill would specify that licensees and registrants shall not be required to provide the requested information.

Position: Watch

AB 1308 (Ting) Arrest and conviction record relief.

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. 2 YEAR on 7/14/2021)

Summary:

Current law, commencing July 1, 2022, subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified. Under existing law, an arrest or conviction record is eligible for this relief if, among other criteria, the arrest or conviction occurred on or after January 1, 2021. This bill would instead allow an arrest or conviction that occurred on or after January 1, 1973, to be considered for relief.

Position: Watch

AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Current law, commencing July 1, 2021, transfers responsibility for the administration of specified childcare and development services programs from the State Department of Education to the State Department of Social Services. Current law requires statutory references to the Superintendent of Public Instruction, for purposes of the programs transferred to the State

Department of Social Services on July 1, 2021, to instead be construed to mean the State Department of Social Services. The act prohibits a contracting agency, as part of the state preschool program, from expelling or unenrolling a child because of a child's behavior, except as provided. Current law requires the State Department of Social Services to consider, in determining whether to issue a citation or impose a civil penalty to a state preschool program, whether the program is in the process of complying with the above law relating to expulsion or unenrollment. This bill would revise and recast the above provisions relating to the expulsion or unenrollment of a child from the state preschool program and would include a general childcare and development program and family childcare home education network program as part of those provisions, as provided.

Position: Oppose Unless Amended

AB 1498 (Low) Members of boards within the Department of Consumer Affairs: per diem.

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Current law establishes various boards, as defined, within the Department of Consumer Affairs for the licensure and regulation of various professions and vocations. Current law requires a member of certain boards to receive a per diem of \$100 for each day actually spent in the discharge of official duties and to be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. Current law requires payment to be made only from the fund from which the expenses of the board are paid and subject to availability of money in the fund. Current law conditions receipt of these moneys on authorization in specified provisions, some of which authorize these expenditures from a continuously appropriated fund. This bill would recast those provisions to, instead, base the per diem of \$100 on each day that the member discharged official duties, and would require the board to define "day that the member discharged official duties" as either the "accumulation of 8 hours spent in the discharge of official duties" or as a "day on which the member performed an official duty."

Position: Watch

AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

Status: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/8/2022)

Summary:

Current law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Current 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 a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board. The bill would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board.

Position: Oppose

AB 1733 (Quirk) State bodies: open meetings.

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was G.O. on 2/18/2022)

Summary:

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. Current 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. Current law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Current 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.

Position: Support

AB 1795 (Fong) Open meetings: remote participation.

Status: 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was G.O. on 2/18/2022)

Summary:

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.

Position: Watch

AB 2600 (Dahle) State agencies: letters and notices: requirements.

Status: 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. & A.R. on 3/10/2022)

Summary:

Would require that every state agency, when sending any communication to any recipient, state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as notice requiring no action.

Position: Watch

AB 2686 (Berman) Speech-language pathologists, audiologists, and hearing aid dispensers.

Status: 9/18/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 415, Statutes of 2022.

Summary:

Current law provides for the appointment of members of the Speech-Language Pathology Audiology and Hearing Aid Dispensers Board by specified appointing authorities, and, until January 1, 2023, authorizes the board to appoint an executive officer. Current law authorizes an appointing authority to remove from office at any time any member of a board appointed by the appointing authority for continued neglect of duties, incompetence, or unprofessional or dishonorable conduct. Current law makes a violation of the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act a misdemeanor. This bill would extend the operation of the board and the authorization to appoint an executive officer until January 1, 2027, and would authorize an appointing authority to remove from office at any time any member of the board appointed by that appointing authority. The bill would specify that, in addition to the enforcement and administration of the act, the board is vested with other regulatory duties of the act. The bill would require an applicant, registrant, or licensee under the act who has an email address to provide it to the board no later than July 1, 2023. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Position: Support

AB 2790 (Wicks) Reporting of crimes: mandated reporters.

Status: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)

Summary:

Current law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a

firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor. This bill would, on and after January 1, 2024, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct.

Position: Watch

AB 2806 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates.

Status: 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 915, Statutes of 2022.

Summary:

The Child Care and Development Services Act, administered by the State Department of Social Services, establishes a system of childcare and development services for children up to 13 years of age. The Early Education Act requires the Superintendent of Public Instruction, to, among other things, provide an inclusive and cost-effective preschool program. The act prohibits a contracting agency, as part of the state preschool program, from expelling or unenrolling a child because of a child's behavior, except as provided. Current law requires the State Department of Social Services to consider, in determining whether to issue a citation or impose a civil penalty to a state preschool program, whether the program is in the process of complying with the above law relating to expulsion or unenrollment. This bill would revise and recast the above provisions relating to the expulsion or unenrollment of a child from the state preschool program and would include a general childcare and development program and family childcare home education network program as part of those provisions, as provided. The bill would also establish requirements for the use of suspensions in the programs described above.

Position: Oppose Unless Amended

SB 607 (Min) Business and professions.

Status: 9/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 367, Statutes of 2021.

Summary:

Current law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Current law requires a board within the Department of Consumer Affairs to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty

military orders. This bill, on and after July 1, 2022, would require a board to waive the licensure application fee and the initial or original license fee for an applicant who meets these expedited licensing requirements.

Position: Watch

SB 731 (Durazo) Criminal records: relief.

Status: 9/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 814, Statutes of 2022.

Summary:

(1) Current law establishes the Commission on Teacher Credentialing to, among other things, issue teaching and services credentials. Current law requires the commission to appoint a Committee of Credentials and requires allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials to be reported to the committee, including conviction for a controlled substance offense, as defined. Current law requires the commission to deny an application for the issuance of a credential or the renewal of a credential for a person who has been convicted of a controlled substance offense. This bill would prohibit the record of a conviction for possession of specified controlled substances that is more than 5 years old and for which relief was granted from being presented to the committee or from being used to deny a credential.

Position: Watch

SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations.

Status: 2/1/2022-Returned to Secretary of Senate pursuant to Joint Rule 56.

Summary:

Current law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board. This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Position: Oppose

SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees.

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/2/2022)

Summary:

Current law establishes healing arts boards in the Department of Consumer Affairs to ensure private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Current law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Current law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Current law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee. This bill would instead require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

Position: Oppose

SB 1237 (Newman) Licenses: military service.

Status: 9/17/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 386, Statutes of 2022.

Summary:

Current 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. Current 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. Current 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. Current 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 define the phrase "called to active duty" to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified.

Position: Watch

SB 1365 (Jones) Licensing boards: procedures.

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/9/2022)

Summary:

Current law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Current 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.

Position: Watch

SB 1453 (Ochoa Bogh) Speech language pathologists.

Status: 9/19/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 450, Statutes of 2022.

Summary:

Current law defines the practice of speech-language pathology to include the application of instrumental procedures for specified purposes relating to the development and disorders of speech, voice, language, or swallowing. Current law specifies that instrumental procedures are the use of rigid and flexible endoscopes to observe specified areas of the throat for specified purposes, including collecting data. Current law prohibits the construction of the provisions on the application of instrumental procedures as a diagnosis and imposes a requirement that any abnormalities be referred to a physician and surgeon. This bill would add to the above-specified provisions on instrumental procedures a statement that the passage of those instruments without the presence of a physician and surgeon is subject to the existing prohibition on construing those provisions as a diagnosis and the requirement to refer abnormalities to a physician and surgeon.

Position: Support