

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1706 (Committee on Business and Professions) – As Introduced March 2, 2017

SUBJECT: Healing arts: occupational therapy: physical therapy.

SUMMARY: Extends the operation of the California Board of Occupational Therapy (CBOT), the operation of the Physical Therapy Board of California (PTBC), and the PTBC's authority to appoint an executive officer and other personnel until January 1, 2022.

EXISTING LAW:

- 1) Provides for the licensure and regulation of occupational therapists, as defined, by the CBOT within the Department of Consumer Affairs (DCA) until January 1, 2018, and provides that the repeal of these provisions subjects the CBOT to review by the appropriate policy committees of the Legislature. (BPC § 3716)
- 2) Provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the PTBC within the DCA until January 1, 2018, and subjects the PTBC to review by the appropriate policy committees of the Legislature. (BPC § 2602; 2607.5)

THIS BILL:

- 1) Extends the sunset dates of the CBOT and PTBC until January 1, 2022.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. Unless legislation is carried this year to extend the sunset date for the boards specified under this bill, they will be repealed on January 1, 2018. The legislative changes that will be reflected in this bill are solutions to issues raised in the committee staff background paper and during the sunset review hearings on February 27, 2017 and March 6, 2017.

Background. In February and March of 2017, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee (Committees) conducted multiple joint oversight hearings to review 12 regulatory boards within the DCA and one regulatory entity outside of the DCA. The sunset bills are intended to implement legislative changes recommended in the respective background reports drafted by the Committees for the agencies reviewed this year. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

The Sunset Review Process. The sunset review process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus and committees, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection boards and bureaus. This is performed on a standard four-year cycle and was

mandated by SB 2036 (McCorquodale), Chapter 908, Statutes of 1994. Each eligible agency is required to submit to the Committees a report covering the entire period since last reviewed that includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

CBOT. The CBOT is a licensing board under the DCA. The purpose of the CBOT is to protect consumers through regulation of the practice of occupational therapy in California. Specifically, the CBOT administers the licensing and enforcement programs for occupational therapists (OTs), occupational therapy assistants (OTAs), and occupational therapy aides. The CBOT also establishes and clarifies state-specific process and practice standards through administrative rulemaking. The CBOT was last reviewed in 2013.

PTBC. The purpose of the PTBC is to protect consumers from incompetent, unprofessional, and fraudulent practice through regulation of practitioners. Specifically, the PTBC administers the licensing and enforcement programs for physical therapists (PTs), physical therapist assistants (PTAs), and unlicensed physical therapy aides. The PTBC also establishes and clarifies state-specific process and practice standards through administrative rulemaking. The PTBC was last reviewed in 2013.

Prior Related Legislation. SB 198 (Lieu), reorganizes, revises, recasts and updates the Physical Therapy Practice Act and extended, until January 1, 2018, the authority of the PTBC to administer the Act and appoint an executive officer.

SB 305 (Price), Chapter 516, Statutes of 2013, extended, until January 1, 2018, the sunset dates for the Naturopathic Medicine Committee, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, the CBOT, the Board of Optometry, and the Respiratory Care Board of California; subjected the Board of Chiropractic Examiners (BCE) and the Osteopathic Medical Board to review by the appropriate policy committees of the legislature, and made other technical changes.

AMENDMENTS:

Because the BCE was created via initiative act, it does not have a sunset date. The following amendment will update the language requiring the BCE to be reviewed consistent with other healing arts boards under the DCA and, subject to the recommendation of the Committees, specify the time for review:

SEC. 2. Section 1000 of the Business and Professions Code is amended to read:

1000. (a) The law governing practitioners of chiropractic is found in an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the State Board of Chiropractic Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, ~~2018~~, 2022.

REGISTERED SUPPORT:

Occupational Therapy Association of California

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Vincent Chee / B. & P. / 916-319-3301