

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1229 (Salas) – As Introduced February 17, 2017

SUBJECT: Healing arts: Board of Vocational Nursing and Psychiatric Technicians of the State of California.

SUMMARY: Clarifies that repeal of the provisions establishing the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) and the BVNPT's authority to appoint an executive officer render the BVNPT's successor entity subject to review by the appropriate policy committees of the Legislature.

EXISTING LAW:

- 1) Establishes requirements for the licensing and regulation of vocational nurses and psychiatric technicians by the BVNPT under the Department of Consumer Affairs (DCA) until January 1, 2018. (Business and Professions Code (BPC) §§ 2840-2895.5, 4500-4584)
- 2) Provides that, notwithstanding any other law, the repeal of the section establishing the BVNPT renders the BVNPT subject to review by the appropriate policy committees of the Legislature. (BPC § 2841(c))

THIS BILL:

- 3) Clarifies that repeal of the section establishing the BVNPT renders the BVNPT's successor entity subject to review by the appropriate policy committees of the Legislature.
- 4) Specifies that repeal of the other sections containing sunset dates also renders the BVNPT's successor entity to review.
- 5) Makes nonsubstantive changes.

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 Unless legislation is carried this year to extend the sunset date for the BVNPT, it will be repealed on January 1, 2018. The legislative changes that will be reflected in this bill are the Assembly Committee's solutions to issues raised in the Assembly Committee's staff Background Paper and during its sunset review hearing on March 20, 2017.

Background. Under existing law, DCA entities have repeal dates (sunset dates). These provisions typically also provide that repeal of those sections render the relevant entity to review by the appropriate committees of the Legislature. However, repeal of the provision also repeals the review requirement. This bill moves that provision, preserving the review of the entity.

Joint Oversight Hearings and Sunset Review of DCA Licensing Entities. 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.

Current Related Legislation. SB 797 (Hill) of the current legislative session is one of four "sunset bills" authored in the Senate and authorizes the BVNPT to delegate to the executive officer the authority to adopt a decision entered by default and a stipulation for surrender of a license.

Prior Related Legislation. AB 179 (Bonilla), Chapter 510, Statutes of 2015, among other things, extended the operation of the Dental Board of California (DBC) until January 1, 2020; extended the operation of the BVNPT until January 1, 2018, required the appointment of an administrative and enforcement monitor to oversee the BVNPT's administrative and enforcement programs, and required the internal audit unit of the DCA to review the BVNPT, as specified.

AMENDMENTS:

Strike the current author and replace with Assembly Member Low.

REGISTERED SUPPORT:

None on file.

REGISTERED OPPOSITION:

None on file.

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