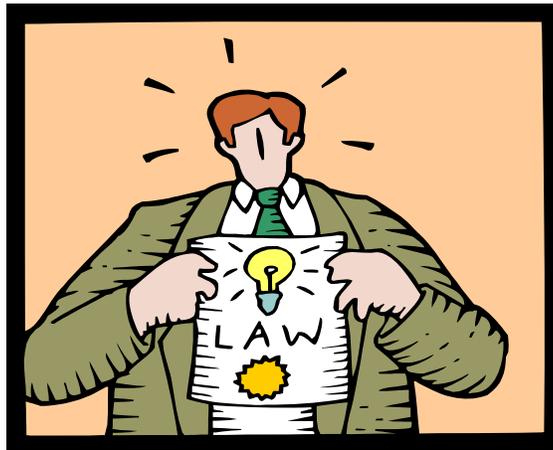


Legislative Bill Tracking



Board of Chiropractic Examiners

January 2014

- The Official California Legislative Information websites are:
 - (<http://www.leginfo.legislature.ca.gov>) – legislative sessions beginning 1999 to present or (<http://www.leginfo.ca.gov>) – legislative sessions prior to 1999, maintained by the Office of Legislative Counsel, provides bill language, status, history, votes, analyses and a bill subscription service to help track specific bills. Using keywords such as chiropractor, chiropractic, manipulation, healing arts, etc., will aid in locating bills specific to the chiropractic profession.
- A Legislative Index and a Table of Sections Affected (<http://www.leginfo.ca.gov/legpubs.html>) allows a bill to be searched by subject matter and California Codes.
- The Department of Consumer Affairs' (DCA) Budget Office frequently contacts the BCE to obtain information on the fiscal impact of bills upon the BCE. Oftentimes, these bills affect multiple regulatory boards such as those related to health care, healing arts, etc. It is important to note whether these bills pertain to the BCE and whether the bill conflicts with the BCE's Initiative Act. (i.e. legislation requires a temporary or special license)
- Professional associations, such as the California Chiropractic Association (CCA) and the International Chiropractors Association of California (ICAC) track legislative bills that affect the profession and provide a list of bills and their position on their websites.
 1. CCA - <http://capwiz.com/calchiroassn/issues/bills/>
 2. ICAC - <http://www.icacweb.com/>
- The Governor's web page (http://www.governor.ca.gov/state/govsite/gov_homepage.jsp) contains bill signing and bill veto messages.
- Legislative Committees that hear legislation relevant to the BCE.
 1. The Senate Business and Professions Committee and Economic Development (<http://sbp.senate.ca.gov/>)
 2. The Assembly Business and Professions and Consumer Protection Committee (<http://abp.assembly.ca.gov/>)
 3. The Senate Health Committee (<http://shea.senate.ca.gov/>)
 4. The Assembly Health Committee (<http://ahea.assembly.ca.gov/>)
 5. The Senate Committee on Appropriations (<http://sapro.senate.ca.gov/>)
 6. The Assembly Committee on Appropriations (<http://apro.assembly.ca.gov/>)

3.0 Legislative Bill Analyses:

This section illustrates how to read and analyze a bill using the following steps:

- Understanding the anatomy of a bill.

- Identifying intent.
- Identifying the prohibition, permission, or requirement statements.
- Understanding the bill's context.
- Identifying changes in existing law.
- Estimating impact.
- Developing recommendations.

This section includes a description of the choices for positions on legislation and other considerations for inclusion in the bill analysis. (An, analysis checklist, and sample bill analysis are included as Attachments at the end of this document.) The bill analysis may also contain key components which assist the Board members in deciding the appropriate action to take on a bill.

3.1 Anatomy of a Bill:

Understanding the components of a bill will help in identifying key information quickly. The first page of a bill, as shown on the Anatomy of a Bill attachment, contains the date of introduction, the date of each amendment, including the last amendment, the added or amended code sections, the vote requirement, the bill's fiscal implications, and whether there is any State-mandated local cost. Bill analyses should always be based on the most current version of the bill. Additionally, the "PDF" format should be used, rather than the "HTML" format, as it will provide an exact copy of the document as officially printed.

3.2 Bill Analysis:

A bill impact assessment checklist and a sample BCE bill analysis are provided as attachments at the end of this document. The key components of a bill analysis are:

- **Bill Number -**
- **Author**
- **Bill Version (Date)**
- **Subject – Title of Bill**
- **Sponsor**
- **Status of Bill –** Did it pass from one committee to another? Provide the date and results of the most recent vote and by whom and where the bill was referred following the vote.
- **Summary –** Brief summary of the purpose of bill.
- **Existing Law –** Specific provisions affected by the bill and their current purpose
- **This Bill Would: –** Summary of how the bill changes current law, the bill's intent and major provisions. (Does the bill impose reporting requirements, change

existing programs, implement a new program, or require coordinated implementation with multiple agencies?)

- **Background** – Brief description of the purpose of the bill addresses and how it addresses the issues(s).
- **Fiscal Impact** – Specifies the bill’s operational and fiscal impact on the BCE (and other significant stakeholders). Defines whether the bill will increase revenue, change/impose fines or penalties, repeal/ reduce/add fees, and identifies resources needed by affected parties and the BCE to implement and comply with the provisions in the bill.
- **Support/Opposition** – List of parties/interested persons/organizations who have taken a formal position on the bill.
- **Arguments (Pro/Con)** – This portion should contain the BCE’s arguments based on the bill’s effect and the fiscal impact.
- **Staff Recommended Position** – The recommendation should be based on all the arguments discussed with the Executive Officer prior distribution to the Board members for a vote.

Analyses may be required numerous times throughout the life of a bill as the content can change significantly from one draft to the next. Furthermore, spot bills may be introduced which may not have any significant effect upon its inception and become highly controversial as the content is changed throughout its life. The California Legislative Information website allows the user to subscribe to bills of interest and receive e-mail notification whenever there is legislative action on a subscribed bill for the current session. It is also advisable to periodically contact the author and/or sponsor of a bill to enquire about the status of the bill and whether any amendments are forthcoming.

4.0 Board Action on Bills:

As part of the normal legislative cycle, the Board Members take positions on specific bills that address issues within the BCE’s purview or that would have a fiscal or programmatic impact on the BCE. Legislation affecting the chiropractic scope, consumer safety or BCE funding, resources and workload are of particular interest to the BCE. For time sensitive legislation, the Government Affairs Committee reserves the right to call an emergency meeting if action is required.

4.1 Board Motions:

An analysis, bill impact assessment checklist and complete text of a bill should be presented to the Board for consideration at a Government Affairs Committee meeting. The Committee will present their recommendations for a vote at a Board meeting to take one of the following positions:

- **Support** – This bill has favorable fiscal or operation impact upon the BCE and is consistent with the laws, regulations or policies.
- **Support if Amended** – This bill is generally beneficial, but would be improved if amended. The bill analysis and letter to author should include recommended amendments.
- **Oppose** – The bill mandates unjustified costs, interferes with efficient administration or operation of the BCE, is in conflict with the policies, laws or regulations of the BCE.
- **Oppose Unless Amended** – This bill is undesirable as written, but can be made palatable by amendment. The bill analysis and letter to author should included recommended amendments.
- **Neutral** - The bill has no significant effect on the BCE; however this bill may be of interest to the board members. A letter to the author is not needed in this case.
- **Watch** – The bill has no significant effect on the BCE; however, there may be components which are likely to change and may impact the BCE in the future. This is not a formal position; therefore, a letter to the author is not needed at this time.

4.2 Board Position Letters:

Once the full board has taken a formal position on a legislative bill, the Executive Officer or staff should draft a letter to the author of the bill for the Executive Officer or Board Chair's signature. The letter should identify the version of the bill and explain the BCE's position, including a summary of the reasons which led to the position and specific changes if amendments are recommended. A letter should also be sent to the Chair and Members of each legislative committee in which the bill will be subsequently heard.

THE ANATOMY OF A BILL

Date noted each time
Bill is amended. →

AMENDED IN SENATE APRIL 20, 2005

Indicates house
of origin. →

SENATE BILL

No. 861

← Bills are intro-
duced in
sequential order

Author(s) →
Co-authors
listed here.

Introduced by Senator Speier

February 22, 2005

← Date
introduced

Code Section
being added or
amended. →

An act to amend Section 14105.7 of the Welfare and Institutions Code,
relating to Medi-Cal.

Legislative
Council drafts
legislation
and writes a
summary.

←

*Italics indicate
amending
language.
Strikeouts
show deletion.*

Most bills require
a majority vote.
An urgency or fiscal
measure requires
a 2/3rds vote. →
State mandated local
cost. →

LEGISLATIVE COUNSEL'S DIGEST

SB861, as amended, Speier. Medi-Cal: allowable drug product prices:
updates.

Existing law provides for the Medi-Cal program, which is administered
by the State Department of Health Services and under which qualified low-
income persons receive health care benefits. Existing law requires the
director to update allowable drug product prices no less often than every 30
days, with these updates to include any prior change in drug product price
of which the director has received notice.

This bill would, instead, require the director to update allowable drug
product prices within ~~48 hours~~ 7 days of receiving notice of a drug product
price change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14105.7 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14105.7. (a) In order to fairly reimburse pharmacies for the
- 4 furnishing of prescription drugs to Medi-Cal beneficiaries, the
- 5 director shall update allowable drug product prices within 48

Bills which
affect State
spending
are
"appropriation"
measures and
require 2/3rds
vote.

↑

This is actual language which would have become part of the Welfare and Institutions Code had the bill not been amended several more times before being enacted. The rest of the bill language continued on subsequent pages. The text of the bill could contain "intent" or "statutory" language.

BILL IMPACT ASSESSMENT CHECKLIST

Bill Number: _____ Author: _____ Version (Date): _____
Recommended Position: _____ Analyst: _____

BACKGROUND

- Previously introduced Similar to other current bills New Bill
 Clean-up Extends or repeals sunset Has Urgency Clause
 Amends Existing Law: Code and Section Reference _____

IMPACT OF DEPARTMENT

- Consistent w/Department's mission Acts on strategic issue
 Changes or repeals existing programs Implements new program
 Enhances protection efforts Weakens protection efforts

FISCAL IMPACT

UNFUNDED MANDATE

- Added Revenue Cost savings Additional costs Neutral
 Changes fines/penalties Proposes new or increased fees to offset costs
 Repeals or reduces fees Includes appropriation
 Funding source: _____

REPORTING REQUIREMENTS

- Requires one-time report Requires annual report
 Requires new operating procedures Requires new forms
 Requires change to existing procedures Requires amended forms
 Requires new or amended contract Requires new study

LEGAL/ENFORCEMENT IMPLICATIONS

- Consistent w/Department's mission Acts on strategic issue
 Changes or repeals existing programs Implements new program
 Enhances protection efforts Weakens protection efforts

COORDINATING REQUIREMENTS

- Requires coordinated implementation with other boards and/or state agencies:

RECOMMENDATIONS

- Amendments Proposed

Board of Chiropractic Examiners

Sample Bill Analysis

Bill Number: SB 541

Author: Senator Curren Price

Bill Version: Amended April 13, 2011

Subject: Contractors' State License Regulatory boards: expert consultants

Sponsor: Contractors State License Board
Medical Board of California

STATUS OF BILL: Passed Senate Committee on B. P. & E.D (8-0), referred to Committee on Appropriations.

SUMMARY:

This bill would allow boards and bureaus within the Department of Consumer Affairs, the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to utilize expert reviewers, without going through a formal contracting process.

EXISTING LAW:

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs
- The Chiropractic Initiative Act of California provides for the licensure and regulation of the chiropractors.
- The Osteopathic Act provides for the licensure and regulation of osteopathic physicians and surgeons.
- Requires persons who apply for licensure under the various licensing acts to pass an examination approved by the board/bureau and investigate complaints and violations of the law, as well as take disciplinary action against licensees for violations of the law.
- Establishes standards relating to personal service contracts in state employment.

THIS BILL WOULD:

- Authorize these boards and bureaus to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts, to provide enforcement and examination assistance.
- Require each board/bureau to establish policies and procedures for the selection of these consultants.
- Declare that it is an urgency statute and is to take effect immediately.

BACKGROUND:

According to the sponsors, Public Contract Code requires state agencies to go through the formal contracting process for utilization of consultants. The boards and bureaus named in this bill utilize consultants for critical components of their regulatory authority including enforcement and examinations. Going through the formal contracting process would create a backlog for the boards and bureaus which would significantly impact the time required to complete the initial review and investigate complaints filed with boards/bureaus. This process would severely limit a board's/bureau's ability to take disciplinary actions against licensees and the delay imposed by this process could also result in losing cases due to expiration of the statute of limitations.

FISCAL IMPACT:

This bill will have a positive fiscal impact upon our Board, if any. The number of cases referred to experts and the amount paid to experts would not change as a result of this bill. However, if this bill does not take effect, the board will have to start entering into formal contracts with the 35 consultants it utilizes. Some of these consultants are only utilized on rare occasion due to their geographical location and/or area of expertise. Nonetheless, the board would have to spend significant time and resources preparing and executing a formal contract. If this bill is not enacted, the board will likely need additional funding and staff to absorb the increased workload.

SUPPORT & OPPOSITION:

Support:

Contractors State License Board

Medical Board of California

Court Reporters Board of California

Opposition:

None on record

ARGUMENTS:

Pro:

The proponents argue that:

- This bill will enable licensing and regulatory boards/bureaus to continue enlisting the expertise of their licensees to assist with evaluation of investigation documents, applications, educational and examination materials on an as-needed basis, primarily based on an hourly fee for services rendered.
- This bill will exempt specific boards and bureaus from formal contract requirements, which are laborious, cumbersome and time-consuming to execute.
- This bill will protect consumers by reducing the delays in enforcement cases by allowing these boards/bureaus to enter into an agreement directly with the consultant.
- Consultants are utilized for various purposes which depend greatly upon their area of expertise and the types of enforcement cases; therefore, it is difficult for a board/bureau to estimate a dollar amount for execution of a contract for each consultant.
- It is difficult to anticipate the extent to which the board will utilize an individual expert, and, therefore, the contract amount for each expert may not meet the board's needs. Under current law, the board will need to enter into a contract for a specified dollar amount with each expert without yet knowing the frequency with which we'll need the expert or the difficulty of the cases that will be referred to the expert. If the board underestimates the contract amount, we will have to cease utilizing an individual expert or go through the time-consuming process of amending the contract. If the board overestimates the contract, we will be encumbering funds that are needed for other essential board functions.

Con:

None

STAFF RECOMMENDED POSITION: SUPPORT (As Introduced/Amended on _____)

BCE Committee Recommended position of SUPPORT on _____

Full Board Voted to Take Position of SUPPORT on _____

- **Also include the text of the bill with the Bill Analysis**