

CALIFORNIA ARCHITECTS BOARD

MAY 3, 2013

SACRAMENTO, CALIFORNIA



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MODIFIED NOTICE OF BOARD MEETING

May 3, 2013
11:00 a.m. – 2:00 p.m.
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

The California Architects Board will hold a Board meeting, as noted above, and via telephone conference at the following locations:

Jon Alan Baker
624 Broadway, Suite 405
San Diego, CA 92101
(619) 795-2450

Marilyn Lyon
20285 S. Western Avenue
Torrance, CA 90501
(310) 371-7222

Chris Christophersen
2705 Constitution Drive
Livermore, CA 94551
(925) 245-1080

Matthew McGuinness
600 Montgomery Street, Suite 100
San Francisco, CA 94111
(415) 652-6506

Pasqual Gutierrez
3546 Concoors Street
Ontario, CA 91764
(909) 989-9979

Michael Merino
5830 E. Indigo Court
Orange, CA 92869
(714) 288-9788

Jeffrey Heller
757 Westwood Plaza, Room 5603
Los Angeles, CA 90095
(415) 730-5707

Hraztan Zeitlian
3324 Grand View
Los Angeles, CA 90066
(310) 391-1495

The agenda items may not be addressed in the order noted below and the meeting will be adjourned upon completion of the agenda, which may be at a time earlier than that posted in this Notice. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Mel Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board at the address above. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

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SUITE 105
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(Continued)

Agenda

- A. Call to Order – Roll Call – Estblshmt of a Quorum
- B. President’s Remarks
- C. Public Comment Session
- D. Discuss and Possible Action on Sunset Review Issues Related to the California Council for Interior Design Certification – Senate Bill 308 (Price), Including Building Departments’ Acceptance of Plans From Certified Interior Designers, and the Definition of Certified Interior Designers
- E. Discuss and Possible Action on the Board’s 2014 Sunset Review Report
- F. Update on California Supplemental Examination Development and Administration
- G. Adjournment

The notice and agenda for this meeting and other meetings of the Board can be found on the Board’s website: www.cab.ca.gov. Any other requests relating to the Board meeting should be directed to Mr. Knox at (916) 575-7221.

Agenda Item A

CALL TO ORDER -- ROLL CALL -- ESTABLISHMENT OF A QUORUM

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code Section 5524 defines a quorum for the Board:

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

BOARD MEMBER ROSTER

Jon Alan Baker

Chris Christophersen

Pasqual V. Gutierrez

Jeffrey D. Heller

Marilyn Lyon

Matthew McGuinness

Michael Merino

Fermin Villegas

Sheran Voigt

Hraztan Zeitlian

Agenda Item B

PRESIDENT'S REMARKS

Board President Sheran Voigt, or in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

Agenda Item C

PUBLIC COMMENT SESSION

Members of the public may address the Board at this time. The Board President may allow public participation during other agenda items at their discretion.

Agenda Item D

DISCUSS AND POSSIBLE ACTION ON SUNSET REVIEW ISSUES RELATED TO THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION – SENATE BILL 308 (PRICE), INCLUDING BUILDING DEPARTMENTS’ ACCEPTANCE OF PLANS FROM CERTIFIED INTERIOR DESIGNERS, AND THE DEFINITION OF CERTIFIED INTERIOR DESIGNERS

The Board briefly discussed the Sunset Review process and issues for the California Council for Interior Design Certification (CCIDC) at its March meeting. CCIDC is the nonprofit organization recognized in the Business and Professions Code that certifies interior designers in California. Staff was asked to specifically agendize the issues to be acted upon. The core issues that the Board needs to address are (three additional related issues are noted on page 3):

- 1) Expanded Definition of Certified Interior Designer (CID); and**
- 2) Mandate for Building Departments to Accept CID Plans.**

In the way of brief background, the initial Sunset Review hearing for CCIDC was held on March 19, 2013. Senate Bill (SB) 308 (Price) is the legislative vehicle for changes to the sunset date and statutes for CCIDC. SB 308 was amended on April 18, 2013 and now includes other items, such as a written contract requirement, open meeting mandate (Bagley-Keene), etc. SB 308 now also includes a proposed modified definition of “certified interior designer” that was referenced in CCIDC’s Sunset Review Report (which was part of the March Board meeting packet). The bill will be heard initially on April 29, 2013, and there will also be ongoing stakeholder meetings, of which the Board will be a key participant, that will shape the bill.

The attached Background Paper, in particular, provides the basis upon which the Board’s actions should be based.

1. Expanded Definition of Certified Interior Designer

Current law defines a CID as:

“ a person who prepares and submits nonstructural or nonseismic plans consistent with Sections 5805 and 5538 to local building departments that are of sufficient complexity so as to require the skills of a licensed contractor to implement them, and who engages in programming, planning, designing, and documenting the construction and installation of nonstructural or nonseismic elements, finishes and furnishings within the interior spaces of a building, and has demonstrated by means of education, experience and examination, the competency to protect and enhance the health, safety, and welfare of the public.”

SB 308 adds to that definition to include:

“Provides plans and documents that illustrate partition layouts, horizontal exiting, rated corridors, reflected ceiling plans and lighting orientation, location of power and communication outlets, materials, finishes, furniture, interior alterations, fixtures, millwork, appliances, and equipment. Engages in coordination and collaboration with other design professionals who may be retained to provide consulting services, including, but not limited to, architects, engineers, and other specialty consultants.”

Adding the specificity to the definition as noted above may push the definition beyond what is permissible in current law. For example, “rated corridors” and “reflective ceiling plans” have been noted as key life/safety issues.

The Board may wish to consider a motion to oppose the expansion of the definition beyond the confines of current law (absent evidence that CIDs sufficiently demonstrate competence in those new areas).

2. Mandate for Building Departments to Accept CID Plans

The segment of interior designers that have been repeatedly seeking to create a state license (Interior Design Coalition of California, or IDCC) indicates that their core issue is that CIDs’ plans are not accepted by building departments. (The Board has conducted two surveys in the past that contradict that contention.)

IDCC’s proposed remedy to force building departments to accept CIDs plans is to insert a modified definition of “registered design professional” (a term that is currently defined in the International Building Code, as codified in California in the California Building Code), and insert the amended definition into two places in state law. The California Building Code definition of registered design professional is “architect or engineer,” and IDCC’s proposal would include CIDs in that definition. IDCC has also commissioned a survey that they contend shows that building departments do not accept CIDs’ plans, but the survey’s accuracy is questionable.

Building Officials have conveyed that the proposal noted above will not force them to accept plans. Building Officials are charged with enforcement responsibilities to ensure the safety of the built environment in their community and are granted significant autonomy and authority under the Building Code.

The Board may wish to consider a motion to oppose the IDCC proposal, as noted above, as the validity of the issue of building department acceptance of plans has not been demonstrated.

Other items the Board may wish to consider:

3. Written Contract – SB 308 contains language that is similar to that in the Architects Practice Act and the Board should support it as the written contract requirement has been a valuable consumer protection tool.
4. Public Meetings (Bagley-Keene) – SB 308 mandates that CCIDC follow the Bagley-Keene Act and the Board should support this concept. CCIDC should operate more like a state board since it is recognized in state law.
5. Examinations – There have been discussions about whether CCIDC should utilize the National Council for Interior Design Qualifications examination rather than developing its own exam. Since CCIDC is the entity that administers the examination and is charged protecting the public, CCIDC should determine the appropriate exam. There does not appear to be a need for the Board to take a position on this issue.

Attachments:

1. Background Paper
2. SB 308 (Price)

Background Paper on CCIDC Sunset Review

This document summarizes the interior design issue, as was discussed at our March 7, 2013 Board meeting. The Board was interested in a document that delineated the specific issues under consideration, and such matters can be separately and distinctly noted on a future agenda as necessary.

The California Council for Interior Design Certification (CCIDC) is currently in the midst of the Sunset Review process. CCIDC is the nonprofit organization recognized in the Business and Professions Code (BPC) that certifies interior designers in California.

There have been numerous efforts to seek licensure for interior designers in California. Most recently, AB 2482 (Ma) would have created the Registered Interior Designers Board, but there was tremendous opposition to the bill and it died without being heard in committee. The Board has traditionally supported the certification model as a valuable alternative to licensure that provides consumers with a means of verifying credentials without the expense and intrusiveness of a governmental program. It should be noted that the Legislature has indicated a preference for this model as well. The Board has written to the Senate Business, Professions, and Economic Development Committee to convey its support for continuation of CCIDC (attached).

As part of the Sunset Review process, CCIDC listed a set of recommendations in its report to the Legislature. Similarly, the segment of the interior design profession that has been repeatedly seeking licensure (Interior Design Coalition of California, or IDCC) has released a set of recommendations as well. Both of these documents were in our March meeting packet. The Sunset Review Committee (Committee – the sunset review body is now actually a joint meeting of the Assembly Business, Professions, and Consumer Protection Committee; and the Senate Business, Professions, and Economic Development Committee) has distilled the suggestions from CCIDC and IDCC into a set of recommendations to be discussed at the hearings (attached). Those recommendations are listed below in boldface print, with Board staff's comments immediately following.

1) Recommend amending the interior designer law to require a certified interior designer to use a written contract when entering into an agreement with a client for interior design services.

The Board has found its written contract requirement to be a valuable tool that protects both the consumer and the architect. It makes sense for CCIDC to have a similar provision.

2) Recommend amendments to include the term "CID" in connection with interior design in the title protection provisions of BPC § 5812.

This recommendation seems noncontroversial.

3) Recommend that CCIDC and other stakeholders should seek to find a consensus on this issue (acceptance of plans by building departments) and if appropriate, submit a specific legislative proposal to the Committee.

This is a complex issue with suggested solutions from both CCIDC and IDCC. CCIDC proposed clarifying the definition of certified interior design to assist building departments in better understanding the services that certified interior designers provide. IDCC's approach is to

insert a definition of “registered design professional” into two places in state law. Additional background on this issue is provided at the end of this document. This issue is highly complex and it is likely that additional discussions and meetings will take place after the Sunset hearings.

4) The CCIDC should discuss with the Committee the acceptance of the NCIDQ examination as an alternative to the IDEX California for certification of interior designers by CCIDC. Consideration should be given to accepting passage of the NCIDQ as an alternative to the IDEX California to qualify for interior design certification in California.

The Board should defer to CCIDC on this examination issue, but it may be appropriate for a new assessment of CCIDC’s options as to examinations.

5) The interior designer law should be amended to require that the meetings of an interior design organization issuing stamps under Section 5801 shall be subject to the rules of the Bagley-Keene Open Meeting Act.

Although CCIDC is a nonprofit organization rather than a governmental agency, it should adhere to similar public participation and “sunshine” standards as licensing boards because it is sanctioned in state law.

6) Recommend that the certified interior designer law should be continued and be reviewed once again in four years.

Agree.

7) Recommend that interior designers in California should continue to be certified by the California Council for Interior Design Certification in order to protect the interests of the public and be reviewed once again in four years.

Agree.

Additional Background on Issue 3 – Acceptance of Plans by Building Departments

The Committee’s report indicates that staff believes it may be appropriate to clarify the law to address the issue of acceptance of Certified Interior Designer (CID) plans by local building departments. There are two approaches that have been suggested, one by CCIDC and one by IDCC.

CCIDC Proposal Regarding Definition of Certified Interior Design

CCIDC focuses on the definition of “certified interior designer”. CCIDC has worked closely with California Building Officials (CALBO) for over 15 years to educate and inform the more than 450 building departments of the existence of CIDs. CCIDC has indicated that in discussions with building officials, one key theme has stood out: the need for a clearer description in statute of what CIDs are allowed to do with regard to the exemptions contained within Business and Professions Code section (BPC) 5538 of the Architect’s Practice Act. According to CCIDC, building officials feel that such a clarification would make them more inclined to accept plans beyond the scope of BPC 5538, but still maintain their authority over the permitting process.

To address this concern, CCIDC had recommended amendments to clarify the law to define the scope of work as it relates to the acceptance of plans from CIDs by local building officials. This is accomplished by enumerating in greater detail what CIDs can do. By providing greater specificity in the law, some of the elements may go beyond the intent of what is authorized in BPC 5537 and 5538. AIACC will certainly be commenting on that and the Board may wish to as well. CCIDC’s proposed language is below, followed by BPC 5537 and 5538.

Section 5800 of Certified Interior Designer Act (as proposed to be amended)

As used in this chapter:

(a) "Certified interior designer" or the initials “CID” as used in this context shall mean *an Occupations Title Standard for a person who meets all of the following requirements:*

~~Prepares and submits non-structural or non-seismic plans and documents consistent with Section 5805 to local building departments that are of sufficient complexity so as to require the skills of a licensed contractor to implement them.~~

Engages in programming, designing and documenting the construction and installation of non-structural or non-seismic construction elements, finishes, veneers, furnishings and the administration and installation thereof.

Provides plans and documents that illustrate partition layouts, horizontal exiting, rated corridors, reflected ceiling plans and lighting orientation, locate power and communication outlets, materials and finishes and furniture, including storefronts, interior alterations, fixtures, millwork, appliances and equipment for all buildings including but not limited to high-rise office and high-rise residential buildings.

Engages in coordination and collaboration with other allied design professionals who may be retained to provide consulting services, including but not limited to architects, structural engineers, mechanical, and electrical engineers, and various specialty consultants.

Demonstrates, by means of education, experience and examination, the competence to protect and enhance the health, safety and welfare of the public.

The certification of interior designers does not prohibit Interior Designer or Interior Decorator services by any person or retail activity.

Section 5537 of the Architects Practice Act (current law)

. (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:

(1) Single-family dwellings of woodframe construction not more than two stories and basement in height.

(2) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.

(3) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.

(4) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.

(b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible control of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

Section 5538 of the Architects Practice Act (current law)

This chapter does not prohibit any person from furnishing either alone or with contractors, if required by Chapter 9 (commencing with Section 7000) of Division 3, labor and materials,

with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

(a) For nonstructural or nonseismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.

(b) For any nonstructural or nonseismic work necessary to provide for their installation.

(c) For any nonstructural or nonseismic alterations or additions to any building necessary to or attendant upon the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system or safety of the building.

IDCC Proposal Regarding Definition of Registered Design Professionals

IDCC's approach is proposed amendments to the BPC and the Health and Safety Code to insert a definition of "registered design professional" that includes architects, engineers, and certified interior designers. The term "registered design professional" originates from the International Building Code, as incorporated into the California Building Code. IDCC's concern is that local building departments in California might refuse to accept designs from an interior designer who was "certified" rather than "registered." IDCC's proposal is noted below.

IDCC proposes adding a new short, concise amendment to the Business and Professions Code that expressly states that a CID is a "registered design professional" as the term is used in the International Building Code and as that code is adopted by California and local building departments.

Section 5800.1 is added to state

"An interior designer certified under this section is a 'registered design professional' as contemplated by the International Code and adopted by this State by way of Health and Safety Code section 18901, et seq."

IDCC also proposes adding a section to Health and Safety Code Section 18938 to expressly state that a CID is a registered design professional under the IBC in California.

Section 18938(b) (1) is added to state

"For purposes of this section and section 5800, et seq. of the Business and Professions Code, a "registered design professional" shall include, but is not limited to, architects licensed by the State of California, engineers licensed by the State of California, and interior designers certified pursuant to Business and Professions Code section 5800, et seq."

The Committee's report astutely points out that there are provisions of law allowing CIDs to prepare and submit plans to local building departments for permitting purposes. Perhaps that language could be strengthened as an alternative to both the CCIDC and IDCC proposals.

Section 5805 of Certified Interior Designer Act (current law)

Nothing in this chapter shall preclude certified interior designers or any other person from submitting interior design plans to local building officials, except as provided in Section 5538. In exercising discretion with respect to the acceptance of interior design plans, the local building official shall reference the California Building Standards Code.

However, this law does not require a local building official to accept plans from a certified interior designer or from any other person regardless of whether the person has a license, registration, or certification in the design profession. Building departments are the last line of defense in the built environment and building officials exercise their judgment based upon the type of project and nature of the submittals.

It should be noted that this proposal regarding the definition of registered design professional does not appear to resolve anything without the CCIDC proposal on the definition of Certified Interior Design.

An objective approach to assessing these issues would be for the Department of Consumer Affairs to convene a working group consisting of the State Architect, State Fire Marshal, Seismic Safety Commission, Building Standards Commission, etc. to analyze the need for revisions to current law and the appropriateness of possible solutions given the knowledge, skills, and abilities of CIDs based upon the certification examination, as well as the life-safety and local authority issues associated with the changes.

Board staff will report back on the initial discussions on this issue so a course of action can be developed.

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL

No. 308

Introduced by Senator Price
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

An act to amend Sections 5800, 5810, 5812, 7200, ~~and 7303~~ 7215.6, 7303, and 7362 of, and to add Sections 5806, 5807, and 5811.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as amended, Price. Professions and vocations.

~~Existing~~

(1) ~~Existing~~ law authorizes a certified interior designer, as defined, to obtain a stamp *from an interior design organization, as defined*, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. ~~Existing law makes it an unfair business practice for any certified interior designer or any other person to represent that he or she is state certified to practice interior design.~~ Existing law provides that these provisions are repealed on January 1, 2014, and shall be subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, which has been abolished.

This bill would instead repeal those provisions on January 1, 2018, and would make them subject to review by the appropriate policy committees of the Legislature. *The bill would include in the definition of a certified interior designer that a certified interior designer provides plans and documents that illustrate specified things and engages in*

coordination and collaboration with other design professionals, as specified.

The bill would require a certified interior designer to use a written contract that includes specified information when contracting to provide interior design services to a client pursuant to these provisions and require that nothing in these provisions prohibit interior design or interior decorator services by any person or retail activity.

The bill would require all meetings of an interior design organization to be subject to the open meeting requirements applicable to state agencies.

Existing

(2) *Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including the State Board of Guide Dogs for the Blind. Existing law requires that the board consist of certain members. Existing law establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified. Existing law repeals these provisions on January 1, 2014.*

This bill would extend the operation of these provisions until January 1, 2018.

Existing

(3) *Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.*

This bill would instead repeal these provisions on January 1, 2018, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

Existing law provides that a board-approved school of barbering and cosmetology is one that is licensed by the Bureau for Private Postsecondary Education or a public school in the state, and offers a course of instruction approved by the board.

This bill would require a school to be approved by the board before it is approved by the Bureau for Private Postsecondary Education and authorize both entities to simultaneously process a school's application for approval. The bill would also authorize the board to revoke, suspend, or deny its approval of a school on specified grounds.

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 5800 of the Business and Professions*
2 *Code is amended to read:*

3 5800. As used in this chapter:

4 (a) “Certified interior designer” means a person who ~~prepares~~
5 *meets all of the following requirements:*

6 (1) *Prepares and submits nonstructural or nonseismic plans*
7 *and documents consistent with Sections 5805 and 5538 to local*
8 *building departments that are of sufficient complexity so as to*
9 *require the skills of a licensed contractor to implement them, and*
10 ~~*who engages them.*~~

11 (2) *Engages in programming, planning, designing, and*
12 *documenting the construction and installation of nonstructural or*
13 *nonseismic elements, finishes, veneers, and furnishings within the*
14 *interior spaces of a building, and has building.*

15 (3) *Provides plans and documents that illustrate partition*
16 *layouts, horizontal exiting, rated corridors, reflected ceiling plans*
17 *and lighting orientation, location of power and communication*
18 *outlets, materials, finishes, furniture, interior alterations, fixtures,*
19 *millwork, appliances, and equipment.*

20 (4) *Engages in coordination and collaboration with other design*
21 *professionals who may be retained to provide consulting services,*
22 *including, but not limited to, architects, engineers, and other*
23 *specialty consultants.*

24 (5) *Has demonstrated by means of education, experience and*
25 *examination, the competency to protect and enhance the health,*
26 *safety, and welfare of the public.*

27 (b) An “interior design organization” means a nonprofit
28 organization, exempt from taxation under Section 501(c)(3) of
29 Title 26 of the United States Code, of certified interior designers
30 whose governing board shall include representatives of the public,
31 except that an organization that is not currently exempt under that
32 section that submits an application to the Internal Revenue Service
33 requesting an exemption under that section shall be eligible to be
34 an interior design organization if it meets the requirements under
35 that section within a reasonable period of time.

36 *SEC. 2. Section 5806 is added to the Business and Professions*
37 *Code, to read:*

1 5806. *Nothing in this chapter shall prohibit interior design or*
2 *interior decorator services by any person or retail activity.*

3 *SEC. 3. Section 5807 is added to the Business and Professions*
4 *Code, to read:*

5 5807. (a) *A certified interior designer shall use a written*
6 *contract when contracting to provide interior design services to*
7 *a client pursuant to this chapter. The written contract shall be*
8 *executed by the certified interior designer and the client, or his or*
9 *her representative, prior to the certified interior designer*
10 *commencing work. The written contract shall include, but not be*
11 *limited to, all of the following:*

12 (1) *A description of the services to be provided to the client by*
13 *the certified interior designer.*

14 (2) *A description of any basis of compensation applicable to*
15 *the contract and the method of payment agreed upon by the parties.*

16 (3) *The name, address, and certification number of the certified*
17 *interior designer and the name and address of the client.*

18 (4) *A description of the procedure that the certified interior*
19 *designer and the client will use to accommodate additional*
20 *services.*

21 (5) *A description of the procedure to be used by any party to*
22 *terminate the contract.*

23 (6) *A three-day rescission clause in accordance with Chapter*
24 *2 (commencing with Section 1688) of Title 5 of Part 2 of Division*
25 *3 of the Civil Code.*

26 (7) *A written disclosure stating whether the certified interior*
27 *designer carries errors and omissions insurance.*

28 (b) *Subdivision (a) shall not apply to any of the following:*

29 (1) *Interior design services rendered by a certified interior*
30 *designer for which the client will not pay compensation.*

31 (2) *Interior design services rendered by a certified interior*
32 *designer to any of the following:*

33 (A) *An architect licensed under Chapter 3 (commencing with*
34 *Section 5500).*

35 (B) *A landscape architect licensed under Chapter 3.5*
36 *(commencing with Section 5615).*

37 (C) *An engineer licensed under Chapter 7 (commencing with*
38 *Section 6700).*

39 (c) *As used in this section, “written contract” includes a*
40 *contract in electronic form.*

1 SECTION 4.

2 SEC. 4. Section 5810 of the Business and Professions Code is
3 amended to read:

4 5810. (a) This chapter shall be subject to review by the
5 appropriate policy committees of the Legislature.

6 (b) This chapter shall remain in effect only until January 1,
7 2018, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, 2018, deletes or extends that date.

9 SEC. 5. *Section 5811.1 is added to the Business and Professions
10 Code, to read:*

11 5811.1. *The meetings of an interior design organization issuing
12 stamps under Section 5801 shall be subject to the rules of the
13 Bagley-Keene Open Meeting Act (Article 9 (commencing with
14 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
15 the Government Code).*

16 SEC. 6. *Section 5812 of the Business and Professions Code is
17 amended to read:*

18 5812. It is an unfair business practice for any person to
19 represent ~~themselves as a~~ or hold himself or herself out as, or to
20 use the title “certified interior designer” ~~unless they comply with
21 the requirements of this chapter.~~ or any other term, such as
22 “licensed,” “registered,” or “CID,” that implies or suggests that
23 the person is certified as an interior designer when he or she does
24 not hold a valid certification as provided in Sections 5800 and
25 5801.

26 SEC. 2.

27 SEC. 7. Section 7200 of the Business and Professions Code is
28 amended to read:

29 7200. (a) There is in the Department of Consumer Affairs a
30 State Board of Guide Dogs for the Blind in whom enforcement of
31 this chapter is vested. The board shall consist of seven members
32 appointed by the Governor. One member shall be the Director of
33 Rehabilitation or his or her designated representative. The
34 remaining members shall be persons who have shown a particular
35 interest in dealing with the problems of the blind, and at least two
36 of them shall be blind persons who use guide dogs.

37 (b) This section shall remain in effect only until January 1, 2018,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before January 1, 2018, deletes or extends that date.
40 Notwithstanding any other law, the repeal of this section renders

1 the board subject to review by the appropriate policy committees
2 of the Legislature.

3 *SEC. 8. Section 7215.6 of the Business and Professions Code*
4 *is amended to read:*

5 7215.6. (a) In order to provide a procedure for the resolution
6 of disputes between guide dog users and guide dog schools relating
7 to the continued physical custody and use of a guide dog, in all
8 cases except those in which the dog user is the unconditional legal
9 owner of the dog, the following arbitration procedure shall be
10 established as a pilot project.

11 (b) This procedure establishes an arbitration panel for the
12 settlement of disputes between a guide dog user and a licensed
13 guide dog school regarding the continued use of a guide dog by
14 the user in all cases except those in which the dog user is the
15 unconditional legal owner of the dog. The disputes that may be
16 subject to this procedure concern differences between the user and
17 school over whether or not a guide dog should continue to be used,
18 differences between the user and school regarding the treatment
19 of a dog by the user, and differences over whether or not a user
20 should continue to have custody of a dog pending investigation of
21 charges of abuse. It specifically does not address issues such as
22 admissions to schools, training practices, or other issues relating
23 to school standards. The board and its representative are not parties
24 to any dispute described in this section.

25 (c) The licensed guide dog schools in California and the board
26 shall provide to guide dog users graduating from guide dog
27 programs in these schools a new avenue for the resolution of
28 disputes that involve continued use of a guide dog, or the actual
29 physical custody of a guide dog. Guide dog users who are
30 dissatisfied with decisions of schools regarding continued use of
31 guide dogs may appeal to the board to convene an arbitration panel
32 composed of all of the following:

- 33 (1) One person designated by the guide dog user.
34 (2) One person designated by the licensed guide dog school.
35 (3) A representative of the board who shall coordinate the
36 activities of the panel and serve as chair.

37 (d) If the guide dog user or guide dog school wishes to utilize
38 the arbitration panel, this must be stated in writing to the board.
39 The findings and decision of the arbitration panel shall be final
40 and binding. By voluntarily agreeing to having a dispute resolved

1 by the arbitration panel and subject to its procedures, each party
2 to the dispute shall waive any right for subsequent judicial review.

3 (e) (1) A licensed guide dog school that fails to comply with
4 any provision of this section shall automatically be subject to a
5 penalty of two hundred fifty dollars (\$250) per day for each day
6 in which a violation occurs. The penalty shall be paid to the board.
7 The license of a guide dog school shall not be renewed until all
8 penalties have been paid.

9 ~~The fine~~

10 (2) ~~The penalty~~ shall be assessed without advance hearing, but
11 the licensee may apply to the board for a hearing on the issue of
12 whether the ~~fine penalty~~ should be modified or set aside. This
13 application shall be in writing and shall be received by the board
14 within 30 days after service of notice of the ~~fine penalty~~. Upon
15 receipt of this written request, the board shall set the matter for
16 hearing within 60 days.

17 (f) As a general rule, custody of the guide dog shall remain with
18 the guide dog user pending a resolution by the arbitration panel.
19 In circumstances where the immediate health and safety of the
20 guide dog user or guide dog is threatened, the licensed school may
21 take custody of the dog at once. However, if the dog is removed
22 from the user's custody without the user's concurrence, the school
23 shall provide to the board the evidence that caused this action to
24 be taken at once and without fail; and within five calendar days a
25 special committee of two members of the board shall make a
26 determination regarding custody of the dog pending hearing by
27 the arbitration panel.

28 (g) (1) The arbitration panel shall decide the best means to
29 determine final resolution in each case. This shall include, but is
30 not limited to, a hearing of the matter before the arbitration panel
31 at the request of either party to the dispute, an opportunity for each
32 party in the dispute to make presentations before the arbitration
33 panel, examination of the written record, or any other inquiry as
34 will best reveal the facts of the disputes. In any case, the panel
35 shall make its findings and complete its examination within 45
36 calendar days of the date of filing the request for arbitration, and
37 a decision shall be rendered within 10 calendar days of the
38 examination.

39 AH

1 (2) All hearings shall be held at sites convenient to the parties
2 and with a view to minimizing costs. Each party to the arbitration
3 shall bear its own costs, except that the arbitration panel, by
4 unanimous agreement, may modify this arrangement.

5 (h) The board may study the effectiveness of the arbitration
6 panel pilot project in expediting resolution and reducing conflict
7 in disputes between guide dog users and guide dog schools and
8 may share its findings with the Legislature upon request.

9 (i) This section shall remain in effect only until January 1, ~~2014,~~
10 2018, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2014,~~ 2018, deletes or extends
12 that date.

13 ~~SEC. 3.~~

14 *SEC. 9.* Section 7303 of the Business and Professions Code is
15 amended to read:

16 7303. (a) Notwithstanding Article 8 (commencing with Section
17 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
18 Government Code, there is in the Department of Consumer Affairs
19 the State Board of Barbering and Cosmetology in which the
20 administration of this chapter is vested.

21 (b) The board shall consist of nine members. Five members
22 shall be public members, and four members shall represent the
23 professions. The Governor shall appoint three of the public
24 members and the four professional members. The Senate
25 Committee on Rules and the Speaker of the Assembly shall each
26 appoint one public member. Members of the board shall be
27 appointed for a term of four years, except that of the members
28 appointed by the Governor, two of the public members and two
29 of the professions members shall be appointed for an initial term
30 of two years. No board member may serve longer than two
31 consecutive terms.

32 (c) The board may appoint an executive officer who is exempt
33 from civil service. The executive officer shall exercise the powers
34 and perform the duties delegated by the board and vested in him
35 or her by this chapter. The appointment of the executive officer is
36 subject to the approval of the director. In the event that a newly
37 authorized board replaces an existing or previous bureau, the
38 director may appoint an interim executive officer for the board
39 who shall serve temporarily until the new board appoints a
40 permanent executive officer.

1 (d) The executive officer shall provide examiners, inspectors,
2 and other personnel necessary to carry out the provisions of this
3 chapter.

4 (e) This section shall remain in effect only until January 1, 2018,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2018, deletes or extends that date.
7 Notwithstanding any other law, the repeal of this section renders
8 the board subject to review by the appropriate policy committees
9 of the Legislature.

10 *SEC. 10. Section 7362 of the Business and Professions Code*
11 *is amended to read:*

12 7362. (a) A school approved by the board is one ~~which that~~
13 ~~is licensed~~ *first approved by the board and subsequently approved*
14 *by the Bureau for Private Postsecondary and Vocational Education,*
15 *Education or is a public school in this state, and provides a course*
16 *of instruction approved by the board. However, notwithstanding*
17 *any other law, both the board and the Bureau for Private*
18 *Postsecondary Education may simultaneously process a school's*
19 *application for approval.*

20 (b) The board shall determine by regulation the required subjects
21 of instruction to be completed in all approved courses, including
22 the minimum hours of technical instruction and minimum number
23 of practical operations for each subject, and shall determine how
24 much training is required before a student may begin performing
25 services on paying patrons.

26 (c) *Notwithstanding any other law, the board may revoke,*
27 *suspend, or deny at any time approval of a school on any of the*
28 *following grounds:*

29 (1) *Unprofessional conduct which includes, but is not limited*
30 *to, any of the following:*

31 (A) *Incompetence or gross negligence, including failure to*
32 *comply with generally accepted standards for the practice of*
33 *barbering, cosmetology, or electrology, or disregard for the health*
34 *and safety of patrons.*

35 (B) *Repeated similar negligent acts.*

36 (C) *Conviction of any crime substantially related to the*
37 *qualifications, functions, or duties of the owner of an approved*
38 *school, in which case, the records of conviction or a certified copy*
39 *thereof shall be conclusive evidence of the conviction.*

- 1 (D) Advertising by means of knowingly false or deceptive
2 statements.
- 3 (2) Failure to comply with the requirements of this chapter.
- 4 (3) Failure to comply with the rules governing health and safety
5 adopted by the board and approved by the State Department of
6 Public Health, for the regulation of board-approved schools.
- 7 (4) Failure to comply with the rules adopted by the board for
8 the regulation of establishments, or any practice licensed and
9 regulated under this chapter.
- 10 (5) Continued practice by a person knowingly having an
11 infectious or contagious disease.
- 12 (6) Habitual drunkenness, or habitual use of or addiction to the
13 use of any controlled substance.
- 14 (7) Obtaining or attempting to obtain practice in any occupation
15 licensed and regulated under this chapter, or money, or
16 compensation in any form, by fraudulent misrepresentation.
- 17 (8) Failure to display the license or health and safety rules and
18 regulations in a conspicuous place.
- 19 (9) Refusal to permit or interference with an inspection
20 authorized under this chapter.
- 21 (10) Any action or conduct that would have warranted the denial
22 of a school approval.

Agenda Item E

DISCUSS AND POSSIBLE ACTION ON THE BOARD'S 2014 SUNSET REVIEW REPORT

The Board's Sunset date of 2016 will require submission of the Sunset Review Report in late 2014. The Board has previously participated in three Sunset Reviews, with the most recent report in 2010. Although the 2014 Sunset Review Report will be consistent with past reviews, documentation has changed slightly from previous versions.

At this meeting, staff will provide an update on the Sunset Review process.

Attachments

1. Guide for Completing Tables in BP&ED Oversight Review Questionnaire
2. BP&ED Oversight Report Form

Guide for Completing Tables in BP&ED Oversight Review Questionnaire

Table 1a. Attendance

To complete *Table 1a. Attendance*, include the information for each board¹ member who served since the board's last sunset review.

Table 1b. Board/Committee Member Roster

Table 1b. Board/Committee Member Roster, should be completed for each board/committee meeting in the last four complete fiscal years. Each meeting date, location, member name, and meeting type should be noted. Indicate attendance at the meeting with a "yes", absence with a "no", and if they were not a member at the time of the meeting note that with "n/a."

Table 2. Fund Condition

For projected fiscal year revenues and budget authority, please use the numbers included in the most recent Governor's proposed budget. When determining projections for expenditures in future fiscal years, assume reversions based on the percentage reverted in the prior three full fiscal years. When determining months in reserve, one month's expenditure is one-twelfth of the budget authority for the next fiscal year based on the Governor's proposed budget.

Table 3. Expenditure by Program Component

The DCA Budget Office can prepare this table.

Table 4. Fee Schedule and Revenue Table

Include all fees charged by the board. Revenue totals can be obtained from month 13 Calstars reports. Please report the percentage of revenue based on the most recent full fiscal year results.

Table 6. License² Population

These data elements can be obtained from the month 13 status report from Calstars.

Tables 7a. Licensing Data by Type and 7b. Total Licensing Data

¹ The term "board" in this document refers to a board, bureau, commission, committee, department, division, program or agency, as applicable.

² The term "license" in this document includes a license certificate or registration.

Licensing data elements can be obtained from the Licensing for Job Creation (LJC) reports generated by the Department. Boards that self-report the LJC data should use the definitions below when compiling this table.

Table 7a requires initial license and initial exam data input. Each data element has been defined below. It is important to remember that this table only asks for "Initial (first time)" licensure and exam information. Pending and cycle time data were not being captured prior to FY 2010-11.

Definitions for Licensing Data (Tables 7a, 7b)	
Application Type	License or Exam application name plus designate if data is for an exam or license (example: ARB (Exam) or ARB (Lic))
Closed	Applicant withdrew application, application was abandoned, or application was denied during the reporting period.
Issued	Represents the number of licenses issued during the reporting period. The term "License" means initial licensure, temporary permits, interim licenses, registrations, and certificates.
Pending Applications (Total as of the close of the fiscal year)	Initial License/Initial Exam applications that have not been approved, issued, or closed. This number should include both applications for which the board is waiting on material from the applicant (incomplete applications) AND applications that the board has not reviewed yet.
Pending Applications outside of the board control: Incomplete)	A subset of "Pending Applications" – This is all applications that do not, upon initial submission, contain all necessary documents for examination eligibility and/or initial license and the board has advised the applicant. This entry is optional, and should be listed if tracked by the board.
Pending Applications within the board control: Complete)	A subset of "Pending Applications" – This is all applications that the board is working on which are not incomplete (missing information from the applicant). This entry is optional, and should be listed if tracked by the board.
Cycle Time/Processing Time (complete app)	Total days to process complete initial license/initial exam applications (applicant submitted all paperwork required). This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.

Definitions for Licensing Data (Tables 7a, 7b)	
Cycle Time/Processing Time (incomplete app)	Total days to process incomplete initial license/initial exam applications (applicant still owes the board documentation/information to complete the application). This means the application was deficient at some point during the approval process. This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.
Cycle Time/Processing Time (Combined: Complete/Incomplete)	This is a weighted average of days to process applications (Combined initial license/initial exam applications). If the board is unable to separate the processing time, then a combined time for all applications should be entered. This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.

Table 8. Examination Data

This data is generated internally by each board.

Tables 9a, 9b, 9c. Enforcement Statistics

The following CAS reports will provide most of the enforcement data needed to complete Tables 9a, 9b, and 9c: EM 10, 091, 096 and 095. However, additional reports may be needed.

Boards that do not use the CAS enforcement modules, please use the “Definitions for Enforcement Data” below

Definitions for Enforcement Data (Tables 9a, 9b, 9c)	
COMPLAINTS	Cases that are generated by consumer complaints, internal complaints and referrals from other agencies.
Received	Total count of complaints received by the board.
Closed	Total count of complaints closed, and NOT referred for investigation, by the board.
Referred to Investigation	Total count of complaints referred to Investigation (either Desk Investigation, Non-Sworn Investigation, or Sworn Investigation).

Average Time to Close	Cycle time; from complaint received to complaint closed OR referred to investigation. Calculated in days.
Pending (close of FY)	Total count of complaints which have been received by the board, but have not yet been closed or referred to investigation.
CONVICTIONS/ARRESTS	Cases generated by criminal history reports.
CONV Received	Total count of convictions received by the board.
CONV Closed	Total count of convictions closed by the board or referred for investigation.
Average Time to Close	Cycle time; from convictions received to complaint closed OR referred to investigation. Calculated in days.
CONV Pending (close of FY)	Total count of convictions which have been received by the board, but have not yet been closed or referred to investigation.
ALL INVESTIGATIONS	When a case is assigned to investigation.
First Assigned	Total number of initial assignments to investigation (Desk, Non-Sworn, or Sworn).
Closed	Total number of Investigations (Desk, Non-Sworn and/or Sworn) which are closed.
Average days to close	Cycle time; from when the case was received as a complaint, to when it is closed at the Desk, Non-Sworn, or Sworn investigation level.
Pending (close of FY)	Total count of Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
Desk Investigations	When a case is assigned to an analyst for desk review.
Closed	Total count of Desk Investigations closed by the board.
Average Time to Close	Cycle time; from the dated when the Desk Investigation was received as a complaint, to the dated when it is closed OR referred to further investigation. Calculated in days.

Pending (close of FY)	Total count of Desk Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
Non-Sworn Investigation	When a case is assigned for field investigation by an investigator who is NOT a sworn peace officer.
Closed	Total count of Non-Sworn Investigations closed by the board.
Average Days to Close	Cycle time; from the date when the Non-Sworn Investigations was received as a complaint, to the date when it is closed OR referred to further investigation. Calculated in days.
Pending (close of FY)	Total count of Non-Sworn Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
Sworn Investigation	When a case is assigned for field investigation by an investigator who IS a sworn peace officer.
Closed	Total count of Sworn Investigations closed by the board.
Average days to close	Cycle time; from the date when the Sworn Investigation was received as a complaint, to the date when it is closed OR referred to further investigation. Calculated in days.
Pending (close of FY)	Total count of Sworn Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
LICENSE DENIALS	
License Applications Denied	Number of License Denials Issued
SOIs	Statement Of Issues
SOIs Filed	Total count of SOIs filed.
SOIs Withdrawn	Total count of SOIs withdrawn.
SOIs Dismissed	Total count of SOIs dismissed.
SOIs Declined	Total count of SOIs declined.

Average Days SOI	Cycle time; from the date the case was received as a complaint to the date when the SOI was issued. Calculated in days.
ACCUSATIONS	
Accusations Filed	Total count of Accusations filed.
Accusations Withdrawn	Total count of Accusations withdrawn.
Accusations Dismissed	Total count of Accusations dismissed.
Accusations Declined	Total count of Accusations declined.
Average Days Accusations	Cycle time; from the date the case was received as a complaint to the date when the Accusation was issued. Calculated in days.
DISCIPLINE	
Disciplinary Actions	
Proposed/Default Decisions	Total count of Proposed/Default Decisions filed.
Stipulations	Total count of Stipulations filed.
Average Days to Complete	Cycle time; from the date the case was received as a complaint to the date when the Disciplinary Order was issued. Calculated in days.
AG Cases Initiated	Total count of cases referred to the Attorney General.
AG Cases Pending (close of FY)	Total count of cases pending at the AG.
ISO	Total count of Interim Suspension Orders (ISOs) issued.
Disciplinary Outcomes	
Revocation	Total count of Disciplinary Orders to revoke a license.
Voluntary Surrender	Total count of Disciplinary Orders to surrender a license.

Suspension	Total count of Disciplinary Orders requiring only the Suspension of a license.
Probation with Suspension	Total count of Disciplinary Orders requiring both Suspension of a License and Probation.
Probation	Total count of Disciplinary Orders requiring only the Probation of a license.
Probationary License Issued	Total count of Probationary Licenses issued.
Compliance Actions	
ISO & TRO Issued	Total count of Interim Suspension Orders & Temporary Restraining Orders issued.
PC 23 Orders Requested	Total count of Cease Practice Orders sought per Penal Code Section 23.
Public Letter of Reprimand	Total count of Public Letters of Reprimand issued.
Cease & Desist/Warning	Total count of Cease & Desist or Warning Letters issued.
Referred for Diversion	Total count of individuals referred to the board's Diversion Program.
Compel Examination	Total count of orders compelling a Physical or Mental Examination.
CITATIONS & FINES	
Citations Issued	Total count of Citations issued.
Average Days to Complete	Cycle time; from the date the case was received as a complaint to the date when the citation was issued. Calculated in days.
Amount of Fines Assessed	Total amount of fines assessed.
Reduced, Withdrawn, Dismissed	Total count of fines reduced and citations withdrawn or dismissed.
Amount Collected	Total amount of revenue generated by collection of fines.
PROBATION	

New Probationers	Total count of individuals beginning probation.
Probations Successfully Completed	Total count of individuals who successfully completed probation.
Probationers (close of FY)	Total count of probationers as of the close of the fiscal year.
Petitions to Revoke Probation	Total count of petitions filed to revoke a probation order.
Probations Revoked	Total count of individuals whose licenses were revoked due to probation violations.
Probations Extended	Total count of individuals whose probations were extended.
Probationers Subject to Drug Testing	Total count of probationers required to be tested for drugs.
Drug Tests Ordered	Total count of drug tests ordered.
Positive Drug Tests	Total count of positive drug tests.
Petition for Reinstatement Granted	Total count of those probationers that have been granted reinstatement in the fiscal year.

Table 11. Cost Recovery

This data is generated internally by each board.

Table 12. Restitution

This data is generated internally by each board.

[BOARD NAME]
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of [date]

**Section 1 –
Background and Description of the Board and Regulated Profession**

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

1. Describe the make-up and functions of each of the board’s committees (cf., Section 12, Attachment B).

Table 1a. Attendance			
[Enter board member name]			
Date Appointed:	[Enter date appointed]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Meeting 1	[Enter Date]	[Enter Location]	[Y/N]
Meeting 2	[Enter Date]	[Enter Location]	[Y/N]
Meeting 3	[Enter Date]	[Enter Location]	[Y/N]
Meeting 4	[Enter Date]	[Enter Location]	[Y/N]

Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including:
 - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

¹The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

- All legislation sponsored by the board and affecting the board since the last sunset review.
 - All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.
4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).
 5. List the status of all national associations to which the board belongs.
 - Does the board's membership include voting privileges?
 - List committees, workshops, working groups, task forces, etc., on which board participates.
 - How many meetings did board representative(s) attend? When and where?
 - If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report as published on the DCA website
7. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.
9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2009/10	FY 2009/10	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Beginning Balance						
Revenues and Transfers						
Total Revenue	\$	\$	\$	\$	\$	\$
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
Fund Balance	\$	\$	\$	\$	\$	\$
Months in Reserve						

10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?
11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component								
	FY 2009/10		FY 2010/11		FY 2011/12		FY 2012/13	
	Personnel Services	OE&E						
Enforcement								
Examination								
Licensing								
Administration *								
DCA Pro Rata								
Diversion (if applicable)								
TOTALS	\$	\$	\$	\$	\$	\$	\$	\$

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Table 4. Fee Schedule and Revenue							
Fee	Current Fee Amount	Statutory Limit	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	% of Total Revenue

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

Staffing Issues

14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.
15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Section 4 – Licensing Program

16. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?
18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population					
		FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				

² The term "license" in this document includes a license certificate or registration.

Table 7a. Licensing Data by Type											
	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2010/11	(Exam)					-	-	-	-	-	-
	(License)					-	-	-	-	-	-
	(Renewal)			n/a		-	-	-	-	-	-
FY 2011/12	(Exam)										
	(License)										
	(Renewal)			n/a							
FY 2012/13	(Exam)										
	(License)										
	(Renewal)			n/a							

* Optional. List if tracked by the board.

Table 7b. Total Licensing Data				
	FY 2010/11	FY 2011/12	FY 2012/13	
Initial Licensing Data:				
Initial License/Initial Exam Applications Received				
Initial License/Initial Exam Applications Approved				
Initial License/Initial Exam Applications Closed				
License Issued				
Initial License/Initial Exam Pending Application Data:				
Pending Applications (total at close of FY)				
Pending Applications (outside of board control)*				
Pending Applications (within the board control)*				
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):				
Average Days to Application Approval (All - Complete/Incomplete)				
Average Days to Application Approval (incomplete applications)*				
Average Days to Application Approval (complete applications)*				
License Renewal Data:				
License Renewed				

* Optional. List if tracked by the board.

19. How does the board verify information provided by the applicant?

- a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?
- b. Does the board fingerprint all applicants?
- c. Have all current licensees been fingerprinted? If not, explain.

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
- e. Does the board require primary source documentation?

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

21. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Examinations

Table 8. Examination Data			
California Examination (include multiple language) if any:			
		License Type	
		Exam Title	
FY 2009/10	# of 1 st Time Candidates		
	Pass %		
FY 2010/11	# of 1 st Time Candidates		
	Pass %		
FY 2011/12	# of 1 st Time Candidates		
	Pass %		
FY 2012/13	# of 1 st time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	
National Examination (include multiple language) if any:			
		License Type	
		Exam Title	
FY 2009/10	# of 1 st Time Candidates		
	Pass %		
FY 2010/11	# of 1 st Time Candidates		
	Pass %		
FY 2011/12	# of 1 st Time Candidates		
	Pass %		
FY 2012/13	# of 1 st time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

23. What are pass rates for first time vs. retakes in the past 4 fiscal years? (*Refer to Table 8: Examination Data*)
24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?
25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

School approvals

26. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?
27. How many schools are approved by the board? How often are schools reviewed?
28. What are the board's legal requirements regarding approval of international schools?

Continuing Education/Competency Requirements

29. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.
- How does the board verify CE or other competency requirements?
 - Does the board conduct CE audits on its licensees? Describe the board's policy on CE audits.
 - What are consequences for failing a CE audit?
 - How many CE audits were conducted in the past four fiscal years? How many fails?
 - What is the board's course approval policy?
 - Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
 - How many applications for CE providers and CE courses were received? How many were approved?
 - Does the board audit CE providers? If so, describe the board's policy and process.
 - Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees' continuing competence.

Section 5 – Enforcement Program

30. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
31. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Table 9a. Enforcement Statistics			
	FY 2010/11	FY 2011/12	FY 2012/13
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received			
Closed			
Referred to INV			
Average Time to Close	-		
Pending (close of FY)			
Source of Complaint (Use CAS Report 091)			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received			
CONV Closed			
Average Time to Close	-		
CONV Pending (close of FY)			
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI	-		
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations	-		
Pending (close of FY)			

Table 9b. Enforcement Statistics (continued)			
	FY 2010/11	FY 2011/12	FY 2012/13
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions			
Stipulations			
Average Days to Complete	-		
AG Cases Initiated			
AG Cases Pending (close of FY)			
Disciplinary Outcomes (Use CAS Report 096)			
Revocation			
Voluntary Surrender			
Suspension			
Probation with Suspension			
Probation			
Probationary License Issued			
Other			
PROBATION			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			
Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
DIVERSION			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

Table 9c. Enforcement Statistics (continued)			
	FY 2010/11	FY 2011/12	FY 2012/13
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned			
Closed			
Average days to close	-		
Pending (close of FY)			
Desk Investigations (Use CAS Report EM 10)			
Closed	-		
Average days to close	-		
Pending (close of FY)	-		
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	-		
Average days to close	-		
Pending (close of FY)	-		
Sworn Investigation			
Closed (Use CAS Report EM 10)			
Average days to close	-		
Pending (close of FY)			
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued			
Average Days to Complete	-		
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
CRIMINAL ACTION			
Referred for Criminal Prosecution			

Table 10. Enforcement Aging						
	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year						
2 Years						
3 Years						
4 Years						
Over 4 Years						
Total Cases Closed						
Investigations (Average %)						
Closed Within:						
90 Days						
180 Days						
1 Year						
2 Years						
3 Years						
Over 3 Years						
Total Cases Closed						

32. What do overall statistics show as to increases or decreases in disciplinary action since last review.
33. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.
34. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions taken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?
35. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?
36. Describe the board's efforts to address unlicensed activity and the underground economy.

Cite and Fine

37. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the board increased its maximum fines to the \$5,000 statutory limit?
38. How is cite and fine used? What types of violations are the basis for citation and fine?
39. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?
40. What are the 5 most common violations for which citations are issued?
41. What is average fine pre and post appeal?
42. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Cost Recovery and Restitution

43. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
45. Are there cases for which the board does not seek cost recovery? Why?
46. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.
47. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 11. Cost Recovery				
	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution				
	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Amount Ordered				
Amount Collected				

Section 6 – Public Information Policies

48. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
49. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings?
50. Does the board establish an annual meeting calendar, and post it on the board's web site?
51. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?
52. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

53. What methods are used by the board to provide consumer outreach and education?

Section 7 – Online Practice Issues

54. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate Internet business practices or believe there is a need to do so?

Section 8 – Workforce Development and Job Creation

55. What actions has the board taken in terms of workforce development?

56. Describe any assessment the board has conducted on the impact of licensing delays.

57. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

58. Provide any workforce development data collected by the board, such as:

- a. Workforce shortages
- b. Successful training programs.

Section 9 – Current Issues

59. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

60. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

61. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.

3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

Section 11 – New Issues

This is the opportunity for the board to inform the Committee of solutions to issues identified by the board and by the Committee. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committee.

Section 12 – Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

Section 13 – Board Specific Issues

Diversion

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes

Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?
5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DEC?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?

Disciplinary Review Committees (Board of Barbering and Cosmetology and BSIS only)

1. What is a DRC and how is a DRC used? What types of cases are seen by the DRCs?
2. What is the membership/makeup composition?
3. Does the DRC comply with the Open Meetings Act?
4. How many meeting held in last three fiscal years?
5. Did the board have any difficulties with scheduling DRC meetings? If so, describe why and how the difficulties were addressed.
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. Provide statistics on DRC actions/outcomes.

Agenda Item F

UPDATE ON CALIFORNIA SUPPLEMENTAL EXAMINATION DEVELOPMENT AND ADMINISTRATION

The Board will be provided with an update regarding CSE development and administration.

Agenda Item G

ADJOURNMENT

Time: _____