

TO: Legislative Committee, County of Santa Barbara

FROM: Cliff Berg, Legislative Advocate
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RE: April 2013 State Update

DATE: May 1, 2013

As we quickly approach the policy deadline many bills have moved out of policy committee and into the appropriations committee. There were many bills “gut and amended” just days before major policy committee meetings and many bills that were made “two-year” bill in an effort to continue to work out any outstanding issues.

As we move into May, we anticipate the May Revise release which is when the administration has opened all of the April receipts from state income taxes and it allows for a snapshot of our financial picture to see what the revised budget looks like. The May Revise also allows for program updates to the January budget. One specific item we expect to have addressed in the revised budget is new information on the proposed Medical Expansion that was proposed by the administration in January. We are told that once they spell out how the realignment piece highlighted with regard to offsetting the financial piece of the expansion it will be very difficult to make changes or proposal additional solutions. They are still very focused on realigning the childcare piece back to the state, the dollar amount would match up and they see it as an easy swap. Once the May Revise is released we will provide you and your staff with an update on any potential local impacts.

We are also working with your public works director and Assembly Member Das Williams in an effort to obtain a legal opinion on the exact scope of the Road Commissioners Authority during a disaster. As you know, the County is in an on-going appeals process with FEMA on this issue and the County believes that it would be helpful to have a legal interpretation of the authority. While we would contend that the County operated within its authority, once we have this we will be able to better navigate this issue in the future. This is an on-going issue for others counties as well and they are pleased that we have taken the lead in this regard.

We also wanted to update you on CEQA reform efforts. While the county continues to review their position, there have been a few new developments. The Governor announced while he was in China on his trade mission that CEQA reform was dead for this year and at the same time, Senator Steinberg amended his CEQA bill, SB 731 so it could move forward. If you recall, we mentioned that may be the only bill that moves forward, however it was mostly a spot bill. As of last week it is much more substantive.

SB 731 is a comprehensive reform measure to strengthen CEQA's protection of the state's environment and residents while modernizing the law to aid California's economic

growth. We are told that the bill is the result of months of discussion and negotiation with key representatives from the business, environmental, and organized labor communities. These changes were key issues identified by a CEQA working group of experts brought together by Senator Steinberg this past fall. The intent of AB 731 is to help reduce litigation and delays from CEQA while protecting the legitimate uses of the statute. The bill passed out of the Senate Environmental Quality Committee today.

Another issue that we wanted to provide an update on is some activity related to the social services safety net. As California prepares for the implementation of the Affordable Care Act (ACA), there is a major concern nationwide about the insufficient number of health care providers in the system and the ability to handle the influx of the newly insured. As such, many legislators have introduced bills that will expand the scope of practice for various providers. For example, under current law your nurse practitioner can't sign-off on test, etc. without the supervising physician's express consent. These bills have all passed their policy committees and are awaiting hearings in the appropriations committees. Some of these bills are listed below:

AB 154 (Atkins) – This bill authorizes a nurse practitioner (NP), certified nurse midwife (CNM), and physician assistant (PA) to perform abortion by medication or aspiration techniques in the first trimester of pregnancy upon completion of training.

SB 491 (Hernandez) – This bill would expand the Nurse Practitioners scope of practice to allow them to practice without the protocol of a physician. This bill would delete the requirement that nurse practitioners perform certain tasks pursuant to standardized procedures and/or consultation with a physician or surgeon and authorizes a nurse practitioner to perform those tasks independently. Also requires, after July 1, 2016, that nurse practitioners possess a certificate from a national certifying body in order to practice.

SB 492 (Hernandez) – This bill permits an optometrist to diagnose, treat and manage additional conditions with ocular manifestations; directs the California Board of Optometry to establish educational and examination requirements and permits optometrists to perform vaccinations and surgical and non-surgical primary care procedures.

SB 493 (Hernandez) – This bill updates Pharmacy Law to authorize pharmacists to perform certain functions according to specified requirements, including: immunizations for people ages three and up if the pharmacist has completed training and follows specified procedures; furnish self-administered hormonal contraceptives, based on a statewide protocol, similar to the existing authority for pharmacists to furnish emergency contraceptive drug therapy; furnish smoking cessation drugs and devices if the pharmacist has completed training and follows specified procedures; furnish travel medications approved by the U.S. State Department; and, order and interpret tests to monitor drug safety. Establishes "advanced practice pharmacist" recognition, allowing such pharmacists to perform physical assessments; order and interpret medication-related

tests; refer patients to other providers; initiate, adjust and discontinue medications under physician protocol or as part of an integrated system and; participate in the evaluation and management of health conditions in collaboration with other providers.

Specific Legislation of interest to Santa Barbara County

AB 65 (Achadjian) – This bill was a reintroduction of AB 765 from the last session. This bill was introduced at our request by Assembly Member Katcho Achadjian on behalf of our DA, Joyce Dudley and is part of the Board of Supervisor’s platform. The bill has had bi-partisan support both this year and last year session. AB 765 was held in the Senate Public Safety Committee on June 28, 2011 due to concerns that the bill would create a new crime. This measure will allow the penal code to catch up with modern day life related to sexually violent crimes and allow for DA’s to properly prosecute offenders. There has been some significant media around the issue that AB 65 intends to fix; the bill is sitting in the Senate awaiting a committee hearing date. The Senate passed a similar measure in early March, so while this bill continues to be a fight between the Assembly and the Senate regarding which house will take credit, we are optimistic that AB 65 will be successful this year.

SB 191 (Padilla) – The Board just took a support position on this bill. The bill would authorize counties to continue to collect funds used to support local emergency medical services systems, pediatric trauma centers, and hospitals and physicians who provide uncompensated trauma and emergency care to ill and injured patients. Given our past work on maintaining the Maddy Fund as a standalone bill, this bill seeks to address locals funding issues related to keeping our trauma system open and accessible. The bill successfully moved out of both the Senate Health Committee and the Senate Public Safety Committee, it is now on its way to Senate Appropriations Committee.

SB510 (Jackson) - The Board just took a support position on this bill. The measure is a reintroduction of SB 444 from last session. SB 510 seeks to clarify that a local government, when considering an application to convert a mobile home park to resident ownership, is required to consider the results of the survey to residents about their support for the conversion in making its decision to approve, conditionally approve, or disapprove the map, and allows the local government to disapprove the map if it finds that the results of the survey have not demonstrated adequate resident support. The bill is currently scheduled to be heard on the Senate floor, it was successful in policy committee.

SB 727 (Jackson) - The Board has taken a support position on this bill. Creates the Drug Abuse Prevention and Safe Disposal Program stewardship program. This bill is intended to address serious social and environmental problems that persist from lack of appropriate disposal options for pharmaceuticals. The stockpiling of unused medications in the home allow for easier access for children and teens, thus fueling youth drug abuse. Poisoning is the fastest rising cause of accidental death among older adults. For example, unintentional poisoning of adults over 60 resulting in hospitalization increased by 43% in Alameda County from 1998 to 2006. Flushing medications into sewage systems harms

the environment and contaminates the water we drink. This bill will be held as a two-year bill in an effort to work with the opposition.

SB 804 (Lara) – This Board has taken a support position on this bill. Existing California law defines biomass conversion as the direct combustion of certain listed types of biomass materials. This definition excludes conversion technologies that can more efficiently generate electricity from biomass with lower air emissions. Additionally, existing law is unclear regarding how anaerobic digestion facilities should be permitted. This hampers the State's goals of diverting additional organic materials from disposal. This bill passed was heard in the Senate Environmental Quality Committee this week.

In Conclusion

As the legislature moves out of April the bills will begin to take shape. Many have cleared their policy committees and now are waiting to be heard in the Appropriations committees. Most of the bills will go to the suspense files so leadership can have an opportunity to meet and evaluate what will continue to move. The budget sub-committees will begin to heat up once the May Revise is released. For the County there are many outstanding issues in this first year of the two-year session. We will continue to keep you updated on these issues and many more.