



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

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May 20, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

SACRAMENTO UPDATE

Pursuit of County Position on Legislation

AB 2138 (Maze), as amended on March 22, 2004, would require the California Department of Health Services to issue a Clinical Laboratory Scientist (CLS) license, without examination, to an applicant who has passed examinations of the national accrediting boards or of another state, with California equivalent requirements. It also would require the Department to issue a Radiologic Technologist (RT) certificate to an applicant without an examination, or compliance with other certification requirements, if the applicant is licensed by another state to practice, has not been subject to disciplinary action by that licensing agency, and has completed the number of hours of experience currently required for certification.

Existing law authorizes, but does not require, the California Department of Health Services to issue a CLS license based on the same requirements specified in AB 2138. Although the Department has already completed emergency regulations to implement this authority, they are subject to the Governor's regulatory freeze. Existing law also requires the Department to issue a special permit exempting an applicant from the criteria for certification as an RT if it finds that the area where the exemption is sought would be denied adequate care because of the unavailability of these medical professionals.

The Department of Health Services (DHS) indicates that there is a nationwide shortage of medical laboratory staff which is directly affecting the quality and cost of health care, the ability of hospitals and other health care institutions to provide routine and emergency care, and the public's health and safety. This shortage is exacerbated in

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California by a reduction in training schools, steady attrition of an aging workforce, and lack of career mobility opportunities. DHS is expected to lose over 60 MTs over the next five years to retirement, and currently has 37 vacant positions.

DHS recommends that the County support AB 2138 because it would expedite the hiring of qualified out-of-state applicants for the CLS and RT positions to address the critical shortages of these positions in California, and we concur. Consistent with County policy to support proposals that facilitate the recruitment of nationally licensed laboratory personnel to work in California, including acceptance of the American Society for Clinical Pathology licensure examinations, **our Sacramento advocates will support AB 2138.**

AB 2138 is sponsored by the author and supported by the Community Medical Centers of Fresno, California Clinical Laboratory Association, and the California Healthcare Association. It is opposed by the California Association for Medical Laboratory Technology, and the Engineers and Scientists of California. AB 2138 passed the Assembly Business and Professions Committee on April 21, 2004 by a vote of 9 to 4, and is now on the Assembly Appropriations Committee's suspense file.

AB 2973 (Cohn), as amended on April 14, 2004, would recast provisions in existing law governing the application process for Office of Statewide Health Planning and Development (OSHPD) review and approval of construction plans for hospital buildings to ensure that they meet SB 1953 seismic safety requirements. It would require OSHPD to review and approve, reject, or approve subject to revision, all plans for the construction or alteration of a hospital building within 90 days of receipt of an application.

According to the author, hospitals submitting plans to comply with upcoming hospital seismic safety deadlines experience increased costs when reviews and approvals of plans are delayed. The California Healthcare Association estimates that there are currently \$3 billion in projects awaiting OSHPD review. The Department of Health Services recommends that the County support AB 2973 because it will create a more efficient and cost effective process for review of plans for hospital construction or alteration necessary to comply with seismic safety requirements, and we concur. Consistent with County policy to support assistance to hospitals to meet the SB 1953 seismic safety requirements, **our Sacramento advocates will support AB 2973.**

AB 2973 is sponsored by the author and supported by Alameda Hospital, the California Healthcare Association, Central Valley General Hospital, Children's Hospital and Health Center San Diego, Children's Hospital Los Angeles, Kaiser Permanente, Loma Linda University Medical Center, San Jose Medical Center, Southwest Healthcare System, University of California Irvine Medical Center, and White Memorial Medical Center.

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There is no registered opposition. AB 2973 passed the Assembly Health Committee on April 21, 2004 by a vote of 15 to 0, and is now on the Assembly Appropriations Committee's suspense file.

SB 1334 (Kuehl) would mandate counties to have either a plan or an ordinance requiring mitigation for any cutting or removal of oak trees that involves 30 percent or more of the canopy from an oak woodland, which is defined as five oak trees per acre. The plan or ordinance must contain alternatives and procedures such as replacing the woodland with double the acreage of the land used in the project, planting and maintaining replacement trees for seven years, and providing a conservation easement. The plan or ordinance must include a monetary contribution to the State's Oak Woodlands Conservation Fund that will be used to purchase conservation easements. Counties would have to submit their plan or ordinance to the State Department of Resources for approval, and the Secretary of Resources may revoke or change the plan or ordinance.

According to the Department of Regional Planning (DRP), SB 1334 would create a new unfunded State mandate that is, for the most part, duplicative of the County's Zoning Code which already emphasizes tree protection by requiring the County Forester to work closely with DRP to review oak tree permit applications and establish mitigation measures. This requires a thorough analysis of alternative development plans that would avoid negative impacts on oak trees. DRP believes that the County's Zoning Code exceeds the State's proposed requirements and is more appropriate for this County.

DRP indicates that SB 1334 conflicts with the intent of the Oak Woodlands Conservation Act of 2001 (Act), which established a funding mechanism to assist local governments fund projects that encourage voluntary conservation. SB 1334 requires counties to enforce mandatory criteria but does not contain any funding. SB 1334 also changes the definition of an oak woodland from the industry standard that uses canopy cover and undergrowth composition, to either five oaks per acre, or one Valley Oak per acre, which increases the number of parcels that fall under the plan or ordinance. DRP also notes that it is too early to determine the effectiveness of the Act, therefore, passage of SB 1334 is premature.

DRP recommends that the County oppose SB 1334 because it is duplicative of the County Zoning Code, gives the State the power to revoke or change the County Zoning Code, and is premature. An oppose position is consistent with County policy to oppose legislation that infringes upon county board of supervisors' local land use decision-making authority. **Therefore, our Sacramento advocates will oppose SB 1334.**

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SB 1334 passed the Senate Appropriations Committee on May 20, 2004 by a vote of 7 to 2, and will now go to the Senate Floor. It is supported by the California Oak Foundation, Defenders of Wildlife, Endangered Habitats League, Natural Resources Defense Counsel, Planning and Conservation League, and the Sierra Club. Opposed are: Agricultural Council of California, Association of California Water Agencies, California Agricultural Commissioners and Sealers Association, California Association of Realtors, California Association of Winegrape Growers, California Building Industry Association, California Business Properties Association, California Cattlemen's Association, California Chamber of Commerce, California Farm Bureau Federation, California Forestry Association, California Grain and Feed Association, California Manufacturers and Technology Association, California State Association of Counties, California Wool Growers Association, Consulting Engineers and Land Surveyors of California, Family Winemakers of California, Forest Landowners of California, Kern County Water Agency, Lumber Association of California and Nevada, Regional Council of Rural Counties, Resource Landowners, Transportation Corridor Agencies of Orange County, Tulare County Farm Bureau, and the Wine Institute.

Status of County-Interest Legislation

County-opposed AB 2082 (Ridley-Thomas), which would remove the Los Angeles County Board of Supervisors, and the Department of Public Social Services Director, from the Personal Assistance Services Council's (PASC) governing board nomination and selection process, and instead, require the PASC governing board members to be elected by a secret mail ballot election among IHSS consumers, was referred from the Assembly Rules Committee to the Assembly Appropriations Committee by a vote of 6 to 0. No hearing date has been set.

We will continue to keep you advised.

DEJ:GK
MAL:JF:MS:DS:EW:ib

c: Executive Officer, Board of Supervisors
County Counsel
Local 660
All Department Heads
Legislative Strategist
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants