

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2777

Introduced by Assembly Member Lieber

February 20, 2004

~~An act to amend Section 11840 of the Government Code, relating to health care audits. An act to amend Section 8670.17.2 of the Government Code, relating to oil spill prevention.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Lieber. ~~Health care audits: redundancy~~ *Oil spill prevention and response: regulations: tugboat escorts: hazardous materials.*

The existing Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires the administrator for oil spill response to adopt regulations governing tugboat escorts for tank ships and tank barges entering, leaving, or navigating in the harbors of the state, as prescribed.

This bill would additionally require the administrator to adopt regulations governing tugboat escorts for other vessels carrying hazardous materials that are entering, leaving, or navigating in the harbors of the state.

~~Existing law sets forth the findings and declarations of the Legislature with respect to the necessity for coordinating regulatory functions for review of medical records and physician offices and achieving a uniform system of private and public auditing of physician offices.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

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

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

1 ~~SECTION 1.—Section 11840 of the Government Code is~~
2 *SECTION 1. Section 8670.17.2 of the Government Code is*
3 *amended to read:*
4 8670.17.2. (a) The administrator shall adopt regulations
5 governing tugboat escorts for tank ships, ~~and~~ tank barges, *and*
6 *other vessels carrying hazardous materials that are* entering,
7 leaving, or navigating in the harbors of the state. The regulations
8 shall be adopted, and thereafter periodically revised, to ensure the
9 best achievable protection of the public health and safety and the
10 environment.
11 (b) The regulations adopted pursuant to subdivision (a) shall
12 include, but not be limited to, a determination of the circumstances
13 under which tank ships, ~~and~~ tank barges, *and other vessels*
14 *carrying hazardous materials* are required to be accompanied by
15 a tugboat or tugboats of sufficient size, horsepower, and pull
16 capability while entering, leaving, or navigating in the harbors of
17 the state. In making that determination, the administrator shall be
18 guided by the recommendations of the harbor safety committees
19 established pursuant to Section 8670.23.
20 (c) The administrator may adopt regulations that differ from
21 the recommendations of the harbor safety committees only after
22 a public hearing. If the administrator proposes to adopt regulations
23 that require the use of tugboat escorts in fewer instances in the
24 harbors of San Francisco, San Pablo, and Suisun Bays than that
25 which is recommended by the Harbor Safety Committee for San
26 Francisco, San Pablo, and Suisun Bays, the administrator shall, in
27 a public hearing, adopt findings, based on substantial evidence,
28 that the proposed regulations provide adequate protection and are
29 consistent with the purposes of this chapter.
30 (d) A public hearing held in accordance with Section 11346.8
31 shall satisfy the public hearing requirement of subdivision (c).
32 (e) The Legislature hereby finds and declares that the
33 appropriate use of tugboat escorts can improve vessel safety,



1 particularly in the harbors of San Francisco, San Pablo, and Suisun
2 Bays, and that the regulations concerning tugboat escorts in those
3 harbors shall be adopted as quickly as practicable and may be
4 adopted before the adoption of all other regulations required by
5 this section.

6 ~~amended to read:~~

7 ~~11840. The Legislature finds and declares all of the following:~~

8 ~~(a) The current regulatory responsibility for medical services~~
9 ~~is spread among many governmental entities including all of the~~
10 ~~following:~~

11 ~~(1) The Medical Board of California.~~

12 ~~(2) The Department of Corporations.~~

13 ~~(3) The State Department of Health Services.~~

14 ~~(b) This overlapping jurisdiction has resulted in multiple and~~
15 ~~duplicative government audits of many physician offices,~~
16 ~~additional expense and hiring of additional staff to respond to~~
17 ~~duplicate requests for medical records, and the review of~~
18 ~~confidential medical records by a growing number of~~
19 ~~governmental entities.~~

20 ~~(c) In addition to government audits of physician offices,~~
21 ~~numerous private entities also conduct reviews of physician~~
22 ~~offices.~~

23 ~~(d) In the interest of reducing the number of separate times~~
24 ~~various public and private agencies review confidential medical~~
25 ~~records, streamlining the regulatory process, and reducing the~~
26 ~~redundant reviews of the offices of physicians, it is the intent of the~~
27 ~~Legislature to coordinate, to the extent feasible, as many of these~~
28 ~~regulatory functions as possible.~~

29 ~~(e) It is in the public interest to achieve ultimately a uniform~~
30 ~~system of private and public auditing of physician offices and,~~
31 ~~thus, streamline the process as much as possible.~~

