

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 1236 **VERSION:** AMENDED APRIL 29, 2021

AUTHOR: TING **SPONSOR:** • SF JEWISH VOCATIONAL SERVICES
• CALIFORNIA PAN-ETHNIC HEALTH NETWORK

RECOMMENDED POSITION: SUPPORT IF AMENDED

SUBJECT: HEALING ARTS: LICENSEES: DATA COLLECTION

Summary:

This bill would require all healing arts boards under the Department of Consumer Affairs (DCA) to biennially request and report on certain workforce data from its licensees and registrants for future workforce planning.

Existing Law:

- 1) Requires the Office of Statewide Health Planning and Development (OSHPD) to prepare an annual report to the Legislature that identifies education and employment trends in the health care profession, reports on the current supply and demand for health care workers in California and gaps in the educational pipeline producing workers in specific occupations and geographic areas and recommends state policy to address issues of workforce shortages and distribution. (Health and Safety Code (HSC) §128052)
- 2) Requires the Board of Registered Nursing, Board of Vocational Nursing and Psychiatric Technicians, Physician Assistant Board, and Respiratory Care Board to collect certain data from its licensees at license issuance and renewal. The data must include specified information, including location of practice, race or ethnicity (this is optional for the licensee), gender, languages spoken, educational background, and classification of primary practice site, and to annually provide the data to OSHPD for inclusion in their required annual report. (Business and Professions Code (BPC) §§ 2717, 2852.5, 3518.1, 3770.1, and 4506)

This Bill:

- 1) Requires all DCA healing arts boards to request certain workforce data from its licensees and registrants for future workforce planning. (BPC §502(a))

- 2) Allows the data to either be requested at electronic license application and license renewal, or at least biennially from a scientifically selected random sample of licensees and registrants. (BPC §502(a))
- 3) Requires the data collected to include at least the following (BPC §502(b)):
 - a) City, county, and zip code of practice;
 - b) Type of employer or classification of practice;
 - c) Work hours;
 - d) Titles of positions held;
 - e) Time spent in direct patient care;
 - f) Clinical practice area;
 - g) Race or ethnicity;
 - h) Gender identity;
 - i) Languages spoken;
 - j) Educational background;
 - k) Future work intentions;
 - l) Job satisfaction; and
 - m) Sexual orientation.
 - n) Disability status.
- 4) Specifies that a licensee is not required to report any of the above information to the Board. (BPC §502(f))
- 5) Requires boards to keep the survey results received confidential and only release information in aggregate form. (BPC §502(c))
- 6) Requires each board to produce reports on the survey results at least biennially, and to post the information on its internet website. (BPC §502(d))
- 7) Requires either each board, or DCA on a board's behalf, to annually (beginning July 1, 2022) provide the data it collects to OSHPD for inclusion in their required annual report. (BPC §502(e))

Comment:

- 1) **Author's Intent.** In their factsheet for this bill, the author's office states the following:

“For millions of Californians, comprehensive access to healthcare depends on professionals who can provide culturally and linguistically appropriate medical services. The state collects data on some healthcare occupations, but the current data is insufficient for determining the state’s capacity to address the needs of our diverse population. California needs a workforce that has the skills, cultural competency, and linguistic expertise needed to properly reach and treat diverse communities.

To make progress on this issue, we must expand demographic data collection on healthcare workers. By expanding demographic data collection, the state can better identify healthcare disparities and craft solutions to ensure comprehensive coverage and greater healthcare access for all Californians.”

- 2) **Current Practice.** Current law does not mandate that licensees provide demographic data, so the Board cannot require it. The Board does ask some demographic questions at the end of its renewal applications; however, completion of the questions is completely voluntary. **Attachment A** shows the information that is currently voluntarily collected at renewal.

Board staff frequently receives questions about the demographics of its licensing population. Requiring licensees to report various types of demographic and workforce data would help the Board have a more accurate picture of its licensing population. This would assist it in identifying disparities, and in conducting more effective outreach.

However, this bill was recently amended to have DCA boards request, but not require, licensees and registrants to report the demographic information. While requiring the information could pose privacy concerns for licensees, simply requesting the information may not give the Board an accurate picture of the demographics of its licensee and registrant population.

- 3) **Policy and Advocacy Committee Recommendation.** At its April 16, 2021 meeting, the Policy and Advocacy Committee recommended that the Board consider taking a “support if amended” position on this bill, and request the following amendments:

- Addition of language in the bill to address potential licensee and registrant hesitancy about the data collection, specifically further emphasizing that individual data is confidential; and

- Require that each question be answered by the licensee or registrant to move forward in the survey; however, provide that each question must have a “decline to answer” option so that the licensee/registrant can decline to answer the specific question if they are uncomfortable doing so.

A minor amendment was made to this bill after the Policy and Advocacy Committee considered it. The amendment added “disability status” to the data to be collected by each board.

- 4) Previous Legislation.** AB 2102 (Ting, Chapter 420, Statutes of 2014) required the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board, and the Board of Vocational Nursing and Psychiatric Technicians to collect and report specific demographic data relating to its licensees to OSHPD.

5) Support and Opposition

Support:

- San Francisco Jewish Vocational Service (Sponsor)
- California Pan Ethnic Health Network (Sponsor)
- California LGBTQ Health and Human Services Network
- California State Council of Service Employees International Union
- Californiahealth+ Advocates
- National Association of Social Workers, California Chapter

Opposition:

- None at this time.

6) History

2021

- 04/29/21 Read second time and amended.
- 04/28/21 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 19. Noes 0.) (April 27).
- 04/19/21 Re-referred to Com. on B. & P.
- 04/15/21 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.
- 03/04/21 Referred to Com. on B. & P.
- 02/22/21 Read first time.
- 02/20/21 From printer. May be heard in committee March 22.
- 02/19/21 Introduced. To print.

7) Attachments

Attachment A – Current Renewal Survey (Voluntary)

AMENDED IN ASSEMBLY APRIL 29, 2021
AMENDED IN ASSEMBLY APRIL 15, 2021
california legislature—2021–22 regular session

ASSEMBLY BILL

No. 1236

Introduced by Assembly Member Ting

February 19, 2021

An act to add Section 502 to, and to repeal Sections 2717, 2852.5, 3518.1, 3770.1, and 4506 of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 1236, as amended, Ting. Healing arts: licensees: data collection.

Existing law requires the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board of California, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to regulate and oversee the practice of healing arts within their respective jurisdictions and to, among other things, collect and report specific demographic data relating to their licensees, subject to a licensee's discretion to report their race or ethnicity, to the Office of Statewide Health Planning and Development. Existing law requires these boards to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license. Existing law also authorizes the Board of Registered Nursing to expend \$145,000 to implement these provisions.

This bill would repeal those provisions and would, instead, require all boards that oversee healing arts licensees to request at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information from its licensees and,

if designated by the board, its registrants and to post the information on the internet websites that they each maintain. The bill would specify that licensees and registrants shall not be required to provide the requested information.

This bill would, commencing July 1, 2022, require each board, or the Department of Consumer Affairs on its behalf, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and registrants and to release information only in deidentified aggregate form, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 502 is added to the Business and
- 2 Professions Code, to read:
- 3 502. (a) A board that supervises healing arts licensees under
- 4 this division shall request workforce data from its licensees and,
- 5 if designated by the board, its registrants, as specified in
- 6 subdivision (b) for future workforce planning. The data may be
- 7 requested at the time of electronic application for a license and
- 8 license renewal, or at least biennially from a scientifically selected
- 9 random sample of licensees and registrants.
- 10 (b) The workforce data collected by each board about its
- 11 licensees and, if applicable, registrants shall include, at a minimum,
- 12 information concerning all of the following:
- 13 (A) City, county, and ZIP Code of practice.
- 14 (B) Type of employer or classification of primary practice site
- 15 among the types of practice sites specified by the board, including,
- 16 but not limited to, clinic, hospital, managed care organization, or
- 17 private practice.
- 18 (C) Work hours.

- 1 (D) Titles of positions held.
- 2 (E) Time spent in direct patient care.
- 3 (F) Clinical practice area.
- 4 (G) Race or ethnicity, subject to paragraph (2).
- 5 (H) Gender identity.
- 6 (I) Languages spoken.
- 7 (J) Educational background.
- 8 (K) Future work intentions.
- 9 (L) Job satisfaction ratings.
- 10 (M) Sexual orientation.
- 11 (N) *Disability status*.

12 (c) Each board shall maintain the confidentiality of the
13 information it receives from licensees and registrants under this
14 section and shall release information only in an aggregate form
15 that cannot be used to identify an individual.

16 (d) Each board shall produce reports containing the workforce
17 data it collects pursuant to this section, at a minimum, on a biennial
18 basis. Aggregate information collected pursuant to this section
19 shall be posted on each board's internet website.

20 (e) Each board, or the Department of Consumer Affairs on its
21 behalf, shall, beginning on July 1, 2022, and annually thereafter,
22 provide the data it collects pursuant to this section to the Office
23 of Statewide Health Planning and Development in a manner
24 directed by the office that allows for inclusion of the data into the
25 annual report it produces pursuant to Section 128052 of the Health
26 and Safety Code.

27 (f) A licensee or registrant shall not be required to provide any
28 of the information listed in subdivision (b).

29 SEC. 2. Section 2717 of the Business and Professions Code is
30 repealed.

31 SEC. 3. Section 2852.5 of the Business and Professions Code
32 is repealed.

33 SEC. 4. Section 3518.1 of the Business and Professions Code
34 is repealed.

35 SEC. 5. Section 3770.1 of the Business and Professions Code
36 is repealed.

37 SEC. 6. Section 4506 of the Business and Professions Code is
38 repealed.

39 SEC. 7. The Legislature finds and declares that Section 1 of
40 this act, which adds Section 502 of the Business and Professions

1 Code, imposes a limitation on the public’s right of access to the
2 meetings of public bodies or the writings of public officials and
3 agencies within the meaning of Section 3 of Article I of the
4 California Constitution. Pursuant to that constitutional provision,
5 the Legislature makes the following findings to demonstrate the
6 interest protected by this limitation and the need for protecting
7 that interest:

8 In order to protect the privacy of licensees and registrants, while
9 also gathering useful workforce data, it is necessary that some
10 information collected from licensees and registrants only be
11 released in aggregate form.

O

Online Renewal Survey: Healing Art Survey - Information

LCSW License Renewal Application - Healing Art Survey - Information

Please consider completing the following optional survey questions relating to your healing arts profession. Completion of the survey helps determine health professionals' shortages and improves access to patient care. If you do not wish to complete this component of the survey, select 'Next' at the bottom of the screen to proceed forward with your application.

Press "Previous" to return to the previous section.

Enter appropriate details and press "Next" to continue.

Press "Cancel" to exit this application.

Additional Credentials/Certificates:

Are you presently pursuing credentials or certifications in addition to your previously obtained qualifying degree? Yes No

If you answered 'Yes' to the previous question, please enter the name of the credential/certification:

If you are pursuing additional credentials or certifications, what is the expected year of completion (e.g. 2018)?

If applicable, please enter the name of the school at which you are pursuing your additional credential/certification:

If applicable, please enter the address of the school at which you are pursuing your additional credential/certification:

Cultural/Ethnic Background:

If you identify your cultural/ethnic background as African American, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as American Indian/Native American/Alaskan Native, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as Caucasian/White European/Middle Eastern, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as Latino/Hispanic, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as Latino/Hispanic, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Asian, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select 'Yes.' Yes No

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.' Yes No

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below. Yes No

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

Drop down list for “Latino/Hispanic”

If you identify your cultural/ethnic background as Latino/Hispanic, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Asian, please select 'Yes.'

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

Central American
Cuban
Mexican
Puerto Rican
South American
Other Hispanic

Drop down list for “Asian”

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select 'Yes.'

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Cambodian
Chinese
Filipino
Hmong
Indian
Indonesian
Japanese
Korean
Laotian
Malaysian
Pakistani
Singaporean
Thai
Vietnamese
Other

Drop down list for “Native Hawaiian/Pacific Islander”

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Fijian
Guamanian
Hawaiian
Samoa
Tongan
Other Pacific Islander

Drop down list for “Languages”

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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- Afrikaans
- Albanian
- American Sign Language
- Amharic
- Apache
- Arabic
- Armenian
- Bantu
- Bengali
- Bisayan
- Bulgarian
- Burmese
- Cajun
- Cambodian
- Cantonese (Yue Chinese)
- Chamorro
- Cherokee
- Croatian
- Czech
- Dakota
- Danish
- Dutch
- Farsi
- Fijian
- Finnish
- Formosan (Amis)
- French
- French Creole
- German

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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- Greek
- Gujarati
- Haitian Creole
- Hebrew
- Hindi
- Hmong
- Hsiang (Xiang Chinese)
- Hungarian
- Ibo
- Ilocano/Iloko
- Indonesian
- Italian
- Japanese
- Kannada
- Keres
- Korean
- Kru
- Kurdish
- Lao
- Lettish
- Lithuanian
- Macedonian
- Malayalam
- Mandarin
- Mande
- Marathi
- Marshallese
- Mien (Lu Mien)
- Mon-Khmer
- Norwegian

survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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Navajo
 Nepali
 Panjabi (Punjabi)
 Pashto
 Patois
 Persian
 Polish
 Portuguese
 Rumanian
 Russian
 Samoan
 Sebuano
 Serbian
 Serbo-Croatian
 Sinhalese
 Slovak
 Spanish
 Swahili
 Swedish
 Syriac
 Tagalog
 Tamil
 Telugu
 Thai
 Tonga
 Turkish
 Ukrainian
 Urdu
 Vietnamese
 Yiddish
 Yoruba
 Other (not listed)
 Decline to state

Next Cancel

Drop down list for "Retirement"

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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Within the next 2 years
 Within the next 5 years
 Within the next 10 years
 Not planning to retire within the next 10 years
 Already Retired
 Retired, work part time
 Plan to work part time