

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Policy and Advocacy Committee

Date: April 9, 2008

From: Christina Kitamura
Board of Behavioral Sciences

Telephone: (916) 574-7835

Subject: Item V Supplement: Amended Bills

This is a supplemental attachment to agenda item V: Review and Possible Action to Recommend Positions on Current Legislation. Four bills have been amended and are provided.

Attachments

AB 1925
AB 1951
AB 2543
SB 1402

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AMENDED IN ASSEMBLY APRIL 7, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1925

Introduced by Assembly Member Eng

February 12, 2008

An act to amend Sections 31 and 7145.5 of the Business and Professions Code, and to add Sections 19265 and 19571 to the Revenue and Taxation Code, relating to taxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1925, as amended, Eng. Franchise Tax Board: ~~business and~~ professional *or occupational* licenses.

The Personal Income Tax Law and the Bank and Corporation Tax Law impose taxes on, or measured by, income. Existing law allows a tax return or return information filed under those laws to be disclosed in a judicial or administrative proceeding pertaining to tax administration under certain circumstances. Existing law requires every board, as defined under the Business and Professions Code, and the Department of Insurance to, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board certain information with respect to every licensee.

This bill would require a state governmental licensing entity, as defined, issuing professional or occupational licenses, certificates, registrations, or permits to provide to the Franchise Tax Board the name and social security number or federal taxpayer identification number of each *individual* licensee of that entity. The bill would require the Franchise Tax Board, if ~~a~~ *an individual* licensee fails to pay taxes for

which a notice of state tax lien has been recorded, to send a notice of suspension to the applicable state governmental licensing entity and to the licensee. The bill would require the Franchise Tax Board to meet certain requirements with regard to such a suspension, and would make related changes. The bill would make implementation of its provisions contingent upon appropriation of funds for that purpose in the annual Budget Act.

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

3 31. (a) As used in this section, “board” means any entity listed
4 in Section 101, the entities referred to in Sections 1000 and 3600,
5 the State Bar, the Department of Real Estate, and any other state
6 agency that issues a license, certificate, or registration authorizing
7 a person to engage in a business or profession.

8 (b) Each applicant for the issuance or renewal of a license,
9 certificate, registration, or other means to engage in a business or
10 profession regulated by a board who is not in compliance with a
11 judgment or order for support shall be subject to Section 17520 of
12 the Family Code.

13 (c) “Compliance with a judgment or order for support,” has the
14 meaning given in paragraph (4) of subdivision (a) of Section 17520
15 of the Family Code.

16 (d) Each licensee who has not paid any applicable state income
17 tax, including interest, penalties, and other fees, shall be subject
18 to Section 19265 of the Revenue and Taxation Code.

19 SEC. 2. Section 7145.5 of the Business and Professions Code
20 is amended to read:

21 7145.5. (a) The registrar may refuse to issue, reinstate,
22 reactivate, or renew a license or may suspend a license for the
23 failure of a licensee to resolve all outstanding final liabilities, which
24 include taxes, additions to tax, penalties, interest, and any fees that
25 may be assessed by the board, the Department of Industrial
26 Relations, the Employment Development Department, or the
27 Franchise Tax Board.

1 (1) Until the debts covered by this section are satisfied, the
2 qualifying person and any other personnel of record named on a
3 license that has been suspended under this section shall be
4 prohibited from serving in any capacity that is subject to licensure
5 under this chapter, but shall be permitted to act in the capacity of
6 a nonsupervising bona fide employee.

7 (2) The license of any other renewable licensed entity with any
8 of the same personnel of record that have been assessed an
9 outstanding liability covered by this section shall be suspended
10 until the debt has been satisfied or until the same personnel of
11 record disassociate themselves from the renewable licensed entity.

12 (b) The refusal to issue a license or the suspension of a license
13 as provided by this section shall be applicable only if the registrar
14 has mailed a notice preliminary to the refusal or suspension that
15 indicates that the license will be refused or suspended by a date
16 certain. This preliminary notice shall be mailed to the licensee at
17 least 60 days before the date certain.

18 (c) (1) In the case of outstanding final liabilities assessed by
19 the Franchise Tax Board, this section shall be operative within 60
20 days after the Contractors' State License Board has provided the
21 Franchise Tax Board with the information required under Section
22 30, relating to licensing information that includes the federal
23 employee identification number or social security number.

24 (2) All versions of the application for contractors' licenses shall
25 include, as part of the application, an authorization by the applicant,
26 in the form and manner mutually agreeable to the Franchise Tax
27 Board and the board, for the Franchise Tax Board to disclose the
28 tax information that is required for the registrar to administer this
29 section. The Franchise Tax Board may from time to time audit
30 these authorizations.

31 (d) This section shall not be interpreted to conflict with the
32 suspension of a license by the Franchise Tax Board pursuant to
33 Section 19265 of the Revenue and Taxation Code.

34 SEC. 3. Section 19265 is added to the Revenue and Taxation
35 Code, to read:

36 19265. (a) (1) All state governmental licensing entities issuing
37 professional or occupational licenses, certificates, registrations, or
38 permits shall provide to the Franchise Tax Board the name and
39 social security number or federal taxpayer identification number,
40 as applicable, of each licensee of that state governmental licensing

1 entity. If any licensee has failed to pay taxes, including any
2 penalties, interest, and any applicable fees, imposed under Part 10
3 (commencing with Section 17001), Part 11 (commencing with
4 Section 23001), or this part, for which a notice of state tax lien has
5 been recorded in any county recorder's office in this state, pursuant
6 to Chapter 14 (commencing with Section 7150) of Division 7 of
7 Title 1 of the Government Code, the Franchise Tax Board shall
8 mail a notice of suspension to the applicable state governmental
9 licensing entity and to the licensee. The rights, powers, and
10 privileges of any licensee whose professional or occupational
11 license, certificate, registration, or permit has been suspended
12 pursuant to this section shall be subject to the same prohibitions,
13 limitations, and restrictions as if the professional or occupational
14 license, certificate, registration, or permit were suspended by the
15 state governmental licensing entity that issued the professional or
16 occupational license, certificate, registration, or permit. The
17 suspension authorized by this section shall be applicable only if
18 the Franchise Tax Board has mailed a preliminary notice of the
19 suspension that indicates that the license will be suspended by a
20 date certain. This preliminary notice shall be mailed to the licensee
21 at least 60 days before that date certain.

22 (2) The Franchise Tax Board shall, within 10 business days of
23 compliance by the licensee with the tax obligation, notify both the
24 state governmental licensing entity and the licensee that the unpaid
25 taxes have been paid or that an installment payment agreement,
26 as described in Section 19008, has been entered into to satisfy the
27 unpaid taxes.

28 (3) State governmental licensing entities shall provide to the
29 Franchise Tax Board the information required by this subdivision
30 at a time that the Franchise Tax Board may require.

31 (b) (1) The Franchise Tax Board may defer or cancel any
32 suspension authorized by this section if a licensee would experience
33 substantial financial hardship. The Franchise Tax Board shall, if
34 requested by the licensee in writing, provide for an administrative
35 hearing to determine if the licensee will experience substantial
36 financial hardship from the suspension of the license, certificate,
37 registration, or permit.

38 (2) The request for a hearing specified in paragraph (1) shall be
39 made in writing within 30 days from the mailing date of the
40 preliminary notice described in subdivision (a).

1 (3) The Franchise Tax Board shall conduct a hearing within 30
2 days after receipt of a request pursuant to paragraph (1).

3 (4) A licensee seeking relief under this subdivision shall only
4 be entitled to relief described in paragraph (1) if the licensee
5 provides the Franchise Tax Board with financial documents that
6 substantiate a substantial financial hardship, and agrees to an
7 acceptable payment arrangement.

8 (c) For purposes of this section and Section 19571, the following
9 definitions shall apply:

10 (1) “Hardship” means financial hardship, as determined by the
11 Franchise Tax Board, where the licensee is financially unable to
12 pay any part of the amount described in subdivision (a) and is
13 unable to qualify for an installment payment arrangement as
14 provided for by Section 19008. In order to establish the existence
15 of a financial hardship, the licensee shall submit any information
16 requested by the Franchise Tax Board for the purpose of making
17 that determination.

18 (2) “License” includes a certificate, registration, or any other
19 authorization to engage in a profession or occupation issued by a
20 state governmental licensing entity.

21 (3) “Licensee” means ~~any entity~~ *an individual* authorized by a
22 license, certificate, registration, or other authorization to engage
23 in a profession or occupation issued by a state governmental
24 licensing entity.

25 (4) “State governmental licensing entity” means any entity listed
26 in Section 101, 1000, or 19420 of the Business and Professions
27 Code, the office of the Attorney General, the Department of
28 Insurance, the State Bar of California, the Department of Real
29 Estate, and any other state agency, board, or commission that issues
30 a license, certificate, or registration authorizing ~~a person~~ *an*
31 *individual* to engage in a profession or occupation. “State
32 governmental licensing entity” shall not include the Department
33 of Motor Vehicles.

34 (d) Implementation of this section shall be contingent on the
35 appropriation of funds for the purposes of this section in the annual
36 Budget Act.

37 (e) (1) For an assessment for which a notice of state tax lien
38 has been recorded in a county recorder’s office in this state,
39 pursuant to Chapter 14 (commencing with Section 7150) of
40 Division 7 of Title 1 of the Government Code, prior to January 1,

1 2009, the Franchise Tax Board shall mail a notice to any licensee
2 who would be affected by this section.

3 (2) The notice referred to in paragraph (1) shall advise a licensee
4 that he or she may request in writing, within 30 days of the date
5 of the notice, a hearing with respect to the possible suspension of
6 the license. The grounds for this hearing shall be limited to whether
7 the licensee has failed to pay the taxes, including penalties, interest,
8 and applicable fees, reflected in the notice of state tax lien. The
9 hearing may not review the validity of the underlying tax liability,
10 which has previously been made under Section 19044, or financial
11 hardship, which is provided for under subdivision (b).

12 (3) If a hearing is requested by a licensee in accordance with
13 paragraph (2), the Franchise Tax Board shall provide for the
14 hearing within 30 days of receipt of the request.

15 (4) The Franchise Tax Board shall not suspend any license as
16 authorized by this subdivision if a licensee can substantiate that
17 the taxes, including penalties, interest, and applicable fees, reflected
18 in the notice of state tax lien, have been paid.

19 (5) If a licensee fails to request a hearing under this subdivision
20 or fails to substantiate at that hearing that the taxes, including
21 penalties, interest, and applicable fees, have been paid, then the
22 licensee shall be subject to suspension in accordance with this
23 section.

24 (6) Chapter 4.5 (commencing with Section 11400) of Part 1 of
25 Division 3 of Title 2 of the Government Code does not apply to a
26 hearing authorized by this subdivision.

27 (f) If this section or any portion of this section is held invalid,
28 or the application of this section to any person or circumstance is
29 held invalid, that invalidity shall not affect other provisions of law
30 or applications that can be given effect without the invalid
31 provision or application.

32 SEC. 4. Section 19571 is added to the Revenue and Taxation
33 Code, to read:

34 19571. (a) The Franchise Tax Board may disclose to state
35 governmental licensing entities information regarding suspension
36 of licensees pursuant to Section 19265.

37 (b) Neither the state governmental licensing entity, nor any
38 officer, employee, or agent, or former officer, employee, or agent
39 of a state governmental licensing entity, may disclose or use any
40 information obtained from the Franchise Tax Board, pursuant to

1 this section, except to inform the public of the suspension of a
2 license pursuant to Section 19265.

3 (c) For purposes of this section, the definitions in Section 19265
4 shall apply.

5 SEC. 5. The Legislature hereby finds and declares the
6 following:

7 (a) It is the understanding and intent of the Legislature that,
8 consistent with the decision in *Crum v. Vincent* (8th Cir. 2007)
9 493 F.3d 988, the suspension of a professional or occupational
10 license for failure to file returns or pay delinquent taxes satisfies
11 the due process requirements of the California and federal
12 constitutions if a taxpayer is provided an opportunity for a hearing
13 to challenge a proposed tax assessment prior to it becoming final
14 and collectable. Because California law provides an opportunity
15 for a hearing prior to a proposed assessment becoming final, due
16 process is satisfied without an additional hearing prior to the
17 suspension of a professional or occupational license of a delinquent
18 taxpayer.

19 (b) To prevent financial hardship, Section 19265 of the Revenue
20 and Taxation Code, as added by this act, grants a delinquent
21 taxpayer the opportunity for an additional hearing for financial
22 hardship prior to the suspension of a professional or occupational
23 license. An opportunity for a limited hearing is also provided to a
24 delinquent taxpayer if a suspension would be based on an
25 assessment for which a notice of a state tax lien was recorded prior
26 to the effective date of this act.

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AMENDED IN ASSEMBLY APRIL 8, 2008
AMENDED IN ASSEMBLY MARCH 11, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1951

**Introduced by Assembly Member Hayashi
(Coauthor: Assembly Member Dymally)**

February 13, 2008

An act to add Sections 2089.8, 2190.6, 2915.8, 2915.9, 4980.415, 4980.416, 4989.23, 4989.35, 4996.27, and 4996.275 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Hayashi. Mental health professionals: suicide prevention training.

Existing law provides for the licensure and regulation of various professionals who provide mental health-related services, including psychologists, marriage and family therapists, educational psychologists, and clinical social workers. Under existing law, an applicant for licensure in these professions is required to complete certain coursework or training in order to be eligible for a license. Existing law also requires these professionals to participate in continuing education as a prerequisite for renewing their license.

This bill would require ~~that~~ an applicant for licensure as a psychologist, marriage and family therapist, educational psychologist, or clinical social worker, ~~or for renewal of one of those licenses, who begins graduate school on or after January 1, 2010, to complete 6 hours of training in suicide prevention, assessment, intervention, and postintervention strategies, as specified. Commencing January 1, 2011,~~

the bill would require a licensed psychologist, marriage and family therapist, educational psychologist, or clinical social worker who began graduate school prior to January 1, 2010, to complete that coursework as a condition of license renewal.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires an applicant for that license to complete a medical curriculum providing instruction in specified subjects. Under existing law, the board is required to adopt and administer standards for the continuing education of licensed physicians and surgeons.

This bill would require an applicant for licensure as a physician and surgeon intending to specialize in psychiatry who begins medical school on or after January 1, 2010, to complete 6 hours of coursework in suicide prevention, assessment, intervention, and postintervention strategies, as specified. Commencing January 1, 2011, the bill would require a licensed physician and surgeon specializing in psychiatry who began medical school prior to January 1, 2010, to complete that coursework as a condition of license renewal.

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 2089.8 is added to the Business and
- 2 Professions Code, to read:
- 3 2089.8. (a) An applicant for licensure as a physician and
- 4 surgeon intending to specialize in psychiatry who began medical
- 5 school on or after January 1, 2010, shall complete, as a condition
- 6 of licensure, a minimum of six hours of coursework in suicide
- 7 prevention, assessment, intervention, and postintervention
- 8 strategies. This coursework shall also include training in
- 9 community resources and an understanding of cultural factors
- 10 that promote help-seeking behavior.
- 11 (b) The coursework required by this section shall be obtained
- 12 from one of the following:
- 13 (1) An approved medical school, as provided in Section 2084.
- 14 (2) A continuing education provider approved by the board.
- 15 (3) A course sponsored or offered by a professional association
- 16 and approved by the board.

1 (4) A course sponsored or offered by a local, county, or state
2 department of health or mental health and approved by the board.

3 (5) A course offered by a nationally certified nonprofit agency,
4 including, but not limited to, a crisis center or a suicide prevention
5 hotline, provided that the agency is a continuing education
6 provider, has at least five years of experience conducting suicide
7 prevention training, and is approved by the board.

8 (c) Coursework taken in fulfillment of other educational
9 requirements for licensure pursuant to this chapter, or in a
10 separate course of study, may, at the discretion of the board, fulfill
11 the requirements of this section.

12 (d) An applicant shall submit to the board evidence acceptable
13 to the board of the applicant's satisfactory completion of the
14 coursework required by subdivision (a).

15 (e) An applicant may request an exemption from this section if
16 he or she intends to practice in an area where the training required
17 by this section would not be needed.

18 (f) The board shall not issue a license to the applicant until the
19 applicant has met the requirements of this section.

20 SEC. 2. Section 2190.6 is added to the Business and Professions
21 Code, to read:

22 2190.6. (a) A physician and surgeon specializing in psychiatry
23 who began medical school prior to January 1, 2010, shall complete
24 a minimum of six hours of continuing education coursework in
25 suicide prevention, assessment, intervention, and postintervention
26 strategies during his or her first renewal period after the operative
27 date of this section. The coursework shall also include training in
28 community resources and an understanding of cultural factors
29 that promote help-seeking behavior.

30 (b) The coursework required by this section shall be obtained
31 from one of the following:

32 (1) An approved medical school, as provided in Section 2084.

33 (2) A continuing education provider approved by the board.

34 (3) A course sponsored or offered by a professional association
35 and approved by the board.

36 (4) A course sponsored or offered by a local, county, or state
37 department of health or mental health and approved by the board.

38 (5) A course offered by a nationally certified nonprofit agency,
39 including, but not limited to, a crisis center or a suicide prevention
40 hotline, provided that the agency is a continuing education

1 provider, has at least five years of experience conducting suicide
2 prevention training, and is approved by the board.

3 (c) A licensee shall submit to the board evidence acceptable to
4 the board of the licensee's satisfactory completion of the
5 coursework required by subdivision (a).

6 (d) A person seeking to meet the requirements of this section
7 may submit to the board a certificate evidencing completion of
8 equivalent coursework in suicide prevention, assessment,
9 intervention, and postintervention strategies taken prior to the
10 operative date of this section, or proof of equivalent teaching or
11 practice experience. The board, in its discretion, may accept that
12 certification as meeting the requirements of this section.

13 (e) A licensee may request an exemption from this section if he
14 or she practices in an area where the training required by this
15 section is not needed.

16 (f) The board may not renew an applicant's license until the
17 applicant has met the requirements of this section.

18 (g) Continuing education courses taken pursuant to this section
19 shall be applied to the required minimum number of continuing
20 education hours established by regulation.

21 (h) This section shall become operative on January 1, 2011.

22 ~~SECTION 4.~~

23 *SEC. 3.* Section 2915.8 is added to the Business and Professions
24 Code, to read:

25 2915.8. (a) An applicant for licensure as a psychologist who
26 began graduate study on or after January 1, 2010, shall complete,
27 as a condition of licensure, a minimum of six hours of coursework
28 in suicide prevention, assessment, intervention, and
29 postintervention strategies. This coursework shall also include
30 training in community resources and an understanding of cultural
31 factors that promote help-seeking behavior.

32 (b) ~~Coursework~~The coursework required by this section shall
33 be obtained from one of the following sources:

34 (1) An accredited or approved educational institution, as defined
35 in Section 2902.

36 (2) A continuing education provider approved by the board.

37 (3) A course sponsored or offered by a professional association
38 and approved by the board.

39 (4) A course sponsored or offered by a local, county, or state
40 department of health or mental health and approved by the board.

1 (5) A course offered by a nationally certified nonprofit agency,
2 including, but not limited to, a crisis center or a suicide prevention
3 hotline, provided that the agency is a continuing education
4 provider, has at least five years of experience conducting suicide
5 prevention training, and is approved by the board.

6 (c) Coursework taken in fulfillment of other educational
7 requirements for licensure pursuant to this chapter, or in a separate
8 course of study, may, at the discretion of the board, fulfill the
9 requirements of this section.

10 (d) An applicant shall submit to the board evidence acceptable
11 to the board of the applicant's satisfactory completion of the
12 coursework required by subdivision (a).

13 (e) An applicant may request an exemption from this section if
14 he or she intends to practice in an area where the training required
15 by this section would not be needed.

16 (f) The board shall not issue a license to the applicant until the
17 applicant has met the requirements of this section.

18 ~~SEC. 2.~~

19 *SEC. 4.* Section 2915.9 is added to the Business and Professions
20 Code, to read:

21 2915.9. (a) A licensee who began graduate study prior to
22 January 1, 2010, shall complete a minimum of six hours of
23 continuing education coursework in suicide prevention, assessment,
24 intervention, and postintervention strategies during his or her first
25 renewal period after the operative date of this section. The
26 coursework shall also include training in community resources
27 and an understanding of cultural factors that promote help-seeking
28 behavior.

29 (b) The coursework required by this section shall be obtained
30 from one of the following:

31 (1) An accredited or approved educational institution, as defined
32 in Section 2902.

33 (2) A continuing education provider approved by the board.

34 (3) A course sponsored or offered by a professional association
35 and approved by the board.

36 (4) A course sponsored or offered by a local, county, or state
37 department of health or mental health and approved by the board.

38 (5) A course offered by a nationally certified nonprofit agency,
39 including, but not limited to, a crisis center or a suicide prevention
40 hotline, provided that the agency is a continuing education

1 provider, has at least five years of experience conducting suicide
2 prevention training, and is approved by the board.

3 (c) A licensee shall submit to the board evidence acceptable to
4 the board of the licensee’s satisfactory completion of the
5 coursework required by subdivision (a).

6 (d) A person seeking to meet the requirements of this section
7 may submit to the board a certificate evidencing completion of
8 equivalent coursework in suicide prevention, assessment,
9 intervention, and postintervention strategies taken prior to the
10 operative date of this section, or proof of equivalent teaching or
11 practice experience. The board, in its discretion, may accept that
12 certification as meeting the requirements of this section.

13 (e) A licensee may request an exemption from this section if he
14 or she practices in an area where the training required by this
15 section is not needed.

16 (f) The board may not renew an applicant’s license until the
17 applicant has met the requirements of this section.

18 (g) Continuing education courses taken pursuant to this section
19 shall be applied to the 36 hours of approved continuing education
20 required in Section 2915.

21 (h) This section shall become operative on January 1, 2011.

22 ~~SEC. 3.~~

23 *SEC. 5.* Section 4980.415 is added to the Business and
24 Professions Code, to read:

25 4980.415. (a) An applicant for licensure as a marriage and
26 family therapist who began graduate study on or after January 1,
27 2010, shall complete, as a condition of licensure, a minimum of
28 six hours of coursework in suicide prevention, assessment,
29 intervention, and postintervention strategies. This coursework shall
30 also include training in community resources and an understanding
31 of cultural factors that promote help-seeking behavior.

32 (b) ~~Coursework~~*The coursework* required by this section shall
33 be obtained from one of the following sources:

34 (1) An accredited or approved educational institution, as
35 specified in Section 4980.40.

36 (2) A continuing education provider approved by the board.

37 (3) A course sponsored or offered by a professional association
38 and approved by the board.

39 (4) A course sponsored or offered by a local, county, or state
40 department of health or mental health and approved by the board.

1 (5) A course offered by a nationally certified nonprofit agency,
2 including, but not limited to, a crisis center or a suicide prevention
3 hotline, provided that the agency is a continuing education
4 provider, has at least five years of experience conducting suicide
5 prevention training, and is approved by the board.

6 (c) Coursework taken in fulfillment of other educational
7 requirements for licensure pursuant to this chapter, or in a separate
8 course of study, may, at the discretion of the board, fulfill the
9 requirements of this section.

10 (d) An applicant shall submit to the board evidence acceptable
11 to the board of the applicant's satisfactory completion of the
12 coursework required by subdivision (a).

13 (e) An applicant may request an exemption from this section if
14 he or she intends to practice in an area where the training required
15 by this section would not be needed.

16 (f) The board shall not issue a license to the applicant until the
17 applicant has met the requirements of this section.

18 ~~SEC. 4.~~

19 *SEC. 6.* Section 4980.416 is added to the Business and
20 Professions Code, to read:

21 4980.416. (a) A licensee who began graduate study prior to
22 January 1, 2010, shall complete a minimum of six hours of
23 continuing education coursework in suicide prevention, assessment,
24 intervention, and postintervention strategies during his or her first
25 renewal period after the operative date of this section. The
26 coursework shall also include training in community resources
27 and an understanding of cultural factors that promote help-seeking
28 behavior.

29 (b) The coursework required by this section shall be obtained
30 from one of the following:

31 (1) An accredited or approved educational institution, as
32 specified in Section 4980.40.

33 (2) A continuing education provider approved by the board.

34 (3) A course sponsored or offered by a professional association
35 and approved by the board.

36 (4) A course sponsored or offered by a local, county, or state
37 department of health or mental health and approved by the board.

38 (5) A course offered by a nationally certified nonprofit agency,
39 including, but not limited to, a crisis center or a suicide prevention
40 hotline, provided that the agency is a continuing education

1 provider, has at least five years of experience conducting suicide
2 prevention training, and is approved by the board.

3 (c) A licensee shall submit to the board evidence acceptable to
4 the board of the licensee’s satisfactory completion of the
5 coursework required by subdivision (a).

6 (d) A person seeking to meet the requirements of this section
7 may submit to the board a certificate evidencing completion of
8 equivalent coursework in suicide prevention, assessment,
9 intervention, and postintervention strategies taken prior to the
10 operative date of this section, or proof of equivalent teaching or
11 practice experience. The board, in its discretion, may accept that
12 certification as meeting the requirements of this section.

13 (e) A licensee may request an exemption from this section if he
14 or she practices in an area where the training required by this
15 section is not needed.

16 (f) The board may not renew an applicant’s license until the
17 applicant has met the requirements of this section.

18 (g) Continuing education courses taken pursuant to this section
19 shall be applied to the 36 hours of approved continuing education
20 required in Section 4980.54.

21 (h) This section shall become operative on January 1, 2011.

22 ~~SEC. 5.~~

23 *SEC. 7.* Section 4989.23 is added to the Business and
24 Professions Code, to read:

25 4989.23. (a) An applicant for licensure as an educational
26 psychologist who began graduate study on or after January 1, 2010,
27 shall complete, as a condition of licensure, a minimum of six hours
28 of coursework in suicide prevention, assessment, intervention, and
29 postintervention strategies. This coursework shall also include
30 training in community resources and an understanding of cultural
31 factors that promote help-seeking behavior.

32 (b) ~~Coursework~~ *The coursework* required by this section shall
33 be obtained from one of the following sources:

34 (1) An educational institution approved by the board, as provided
35 in paragraph (1) of subdivision (a) of Section 4989.20.

36 (2) A continuing education provider approved by the board.

37 (3) A course sponsored or offered by a professional association
38 and approved by the board.

39 (4) A course sponsored or offered by a local, county, or state
40 department of health or mental health and approved by the board.

1 (5) A course offered by a nationally certified nonprofit agency,
2 including, but not limited to, a crisis center or a suicide prevention
3 hotline, provided that the agency is a continuing education
4 provider, has at least five years of experience conducting suicide
5 prevention training, and is approved by the board.

6 (c) Coursework taken in fulfillment of other educational
7 requirements for licensure pursuant to this chapter, or in a separate
8 course of study, may, at the discretion of the board, fulfill the
9 requirements of this section.

10 (d) An applicant shall submit to the board evidence acceptable
11 to the board of the applicant's satisfactory completion of the
12 coursework required by subdivision (a).

13 (e) An applicant may request an exemption from this section if
14 he or she intends to practice in an area where the training required
15 by this section would not be needed.

16 (f) The board shall not issue a license to an applicant until the
17 applicant has met the requirements of this section.

18 ~~SEC. 6.~~

19 *SEC. 8.* Section 4989.35 is added to the Business and
20 Professions Code, to read:

21 4989.35. (a) A licensee who began graduate study prior to
22 January 1, 2010, shall complete a minimum of six hours of
23 continuing education coursework in suicide prevention, assessment,
24 intervention, and postintervention strategies during his or her first
25 renewal period after the operative date of this section. The
26 coursework shall also include training in community resources
27 and an understanding of cultural factors that promote help-seeking
28 behavior.

29 (b) The coursework required by this section shall be obtained
30 from one of the following:

31 (1) An educational institution approved by the board, as provided
32 in paragraph (1) of subdivision (a) of Section 4989.20.

33 (2) A continuing education provider approved by the board.

34 (3) A course sponsored or offered by a professional association
35 and approved by the board.

36 (4) A course sponsored or offered by a local, county, or state
37 department of health or mental health and approved by the board.

38 (5) A course offered by a nationally certified nonprofit agency,
39 including, but not limited to, a crisis center or a suicide prevention
40 hotline, provided that the agency is a continuing education

1 provider, has at least five years of experience conducting suicide
2 prevention training, and is approved by the board.

3 (c) A licensee shall submit to the board evidence acceptable to
4 the board of the ~~person's~~ *licensee's* satisfactory completion of the
5 coursework required by subdivision (a).

6 (d) A person seeking to meet the requirements of this section
7 may submit to the board a certificate evidencing completion of
8 equivalent coursework in suicide prevention, assessment,
9 intervention, and postintervention strategies taken prior to the
10 operative date of this section, or proof of equivalent teaching or
11 practice experience. The board, in its discretion, may accept that
12 certification as meeting the requirements of this section.

13 (e) A licensee may request an exemption from this section if he
14 or she practices in an area where the training required by this
15 section is not needed.

16 (f) The board may not renew an applicant's license until the
17 applicant has met the requirements of this section.

18 (g) Continuing education courses taken pursuant to this section
19 shall be applied to the 36 hours of approved continuing education
20 required in Section 4989.34.

21 (h) This section shall become operative on January 1, 2011.

22 ~~SEC. 7.~~

23 *SEC. 9.* Section 4996.27 is added to the Business and
24 Professions Code, to read:

25 4996.27. (a) An applicant for licensure as a licensed clinical
26 social worker who began graduate study on or after January 1,
27 2010, shall complete, as a condition of licensure, a minimum of
28 six hours of coursework in suicide prevention, assessment,
29 intervention, and postintervention strategies. This coursework shall
30 also include training in community resources and an understanding
31 of cultural factors that promote help-seeking behavior.

32 (b) ~~Coursework~~ *The coursework* required by this section shall
33 be obtained from one of the following sources:

34 (1) An accredited or approved educational institution, as
35 specified in Section 4996.18.

36 (2) A continuing education provider approved by the board.

37 (3) A course sponsored or offered by a professional association
38 and approved by the board.

39 (4) A course sponsored or offered by a local, county, or state
40 department of health or mental health and approved by the board.

1 (5) A course offered by a nationally certified nonprofit agency,
2 including, but not limited to, a crisis center or a suicide prevention
3 hotline, provided that the agency is a continuing education
4 provider, has at least five years of experience conducting suicide
5 prevention training, and is approved by the board.

6 (c) Coursework taken in fulfillment of other educational
7 requirements for licensure pursuant to this chapter, or in a separate
8 course of study, may, at the discretion of the board, fulfill the
9 requirements of this section.

10 (d) An applicant shall submit to the board evidence acceptable
11 to the board of the ~~person's~~ *applicant's* satisfactory completion of
12 the coursework required by subdivision (a).

13 (e) An applicant may request an exemption from this section if
14 he or she intends to practice in an area where the training required
15 by this section would not be needed.

16 (f) The board shall not issue a license to an applicant until the
17 applicant has met the requirements of this section.

18 ~~SEC. 8.~~

19 *SEC. 10.* Section 4996.275 is added to the Business and
20 Professions Code, to read:

21 4996.275. (a) A licensee who began graduate study prior to
22 January 1, 2010, shall complete a minimum of six hours of
23 continuing education coursework in suicide prevention, assessment,
24 intervention, and postintervention strategies during his or her first
25 renewal period after the operative date of this section. The
26 coursework shall also include training in community resources
27 and an understanding of cultural factors that promote help-seeking
28 behavior.

29 (b) The coursework required by this section shall be obtained
30 from one of the following:

31 (1) An accredited or approved educational institution, as
32 specified in Section 4996.18.

33 (2) A continuing education provider approved by the board.

34 (3) A course sponsored or offered by a professional association
35 and approved by the board.

36 (4) A course sponsored or offered by a local, county, or state
37 department of health or mental health and approved by the board.

38 (5) A course offered by a nationally certified nonprofit agency,
39 including, but not limited to, a crisis center or a suicide prevention
40 hotline, provided that the agency is a continuing education

- 1 provider, has at least five years of experience conducting suicide
- 2 prevention training, and is approved by the board.
- 3 (c) A licensee shall submit to the board evidence acceptable to
- 4 the board of the ~~person's~~ *licensee's* satisfactory completion of the
- 5 coursework required by subdivision (a).
- 6 (d) A person seeking to meet the requirements of this section
- 7 may submit to the board a certificate evidencing completion of
- 8 equivalent coursework in suicide prevention, assessment,
- 9 intervention, and postintervention strategies taken prior to the
- 10 operative date of this section, or proof of equivalent teaching or
- 11 practice experience. The board, in its discretion, may accept that
- 12 certification as meeting the requirements of this section.
- 13 (e) A licensee may request an exemption from this section if he
- 14 or she practices in an area where the training required by this
- 15 section is not needed.
- 16 (f) The board may not renew an applicant's license until the
- 17 applicant has met the requirements of this section.
- 18 (g) Continuing education courses taken pursuant to this section
- 19 shall be applied to the 36 hours of approved continuing education
- 20 required in Section 4996.22.
- 21 (h) This section shall become operative on January 1, 2011.

AMENDED IN ASSEMBLY APRIL 7, 2008
AMENDED IN ASSEMBLY MARCH 25, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2543

**Introduced by Assembly Member Berg
(Coauthor: Assembly Member De La Torre)**

February 22, 2008

An act to add Sections 2815.2, 4984.75, and 4996.66 to the Business and Professions Code, and to amend Sections 128552 and 128553 of, to add Article 5 (commencing with Section 128305) and Article 6 (commencing with Section 128310) to Chapter 4 of Part 3 of Division 107 of, and to add Chapter 6 (commencing with Section 128559) to Part 3 of Division 107 of, the Health and Safety Code, relating to loan assistance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as amended, Berg. Geriatric and Gerontology Workforce Expansion Act.

(1) Existing law provides for the licensure and regulation of nurses, social workers, and marriage and family therapists by specified boards. Existing law requires those persons to pay licensing and renewal fees for licensure, as specified.

This bill would establish the Geriatric and Gerontology Workforce Expansion Act, which would be administered by the Office of Statewide Health Planning and Development to provide loan repayment assistance to nurses, social workers, and marriage and family therapists who work in a geriatric care setting, as specified. For those purposes, the bill would

raise the licensing and renewal fees of these licensees by \$10, as specified, for deposit into the continuously appropriated funds of the boards described above, thereby making an appropriation.

This bill would also establish the California Geriatric and Gerontology Student Loan Assistance Program of 2008, which would be administered by the Office of Statewide Health Planning and Development for purposes of providing loan assistance to students who intend to become employed as licensed health care professionals, social workers, or marriage and family therapists in a geriatric care setting, as specified. Those provisions would only become operative if appropriate funding, as determined by the office, is made available. The bill would require the office to report annually to the Legislature with regard to the program, as specified.

(2) Existing law establishes the Steven M. Thompson Physician Corps Loan Repayment Program in the California Physician Corps Program within the Health and Professions Education Foundation, which provides financial incentives, as specified, to a physician and surgeon for practicing in a medically underserved community. Existing law authorizes the foundation to appoint a selection committee to provide policy direction and guidance over the program.

This bill would require that selection committee to fill 15% of the available positions with program applicants that agree to practice in a geriatric care setting. These provisions would become operative only if AB 2439 is enacted and becomes effective on or before January 1, 2009.

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

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Geriatric and Gerontology Workforce Expansion Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) The population of California is aging at an exponential rate
- 5 with Californians who are 65 years of age or over reaching 6.5
- 6 million by 2010, which is over 14 percent of the total population,
- 7 and reaching over 9 million by 2020.
- 8 (b) The greatest growth within the aging population will be
- 9 those who are 85 years of age or older who will, by 2030, comprise
- 10 one in five of California's older residents.

1 (c) As California ages, it will become more racially and
2 ethnically diverse, with African Americans, Latinos, and Asian
3 Americans exceeding 40 percent of the older adult population,
4 many of whom were born outside the United States; meaning,
5 therefore, that there is a greater need for those providing services
6 to older adults to be bilingual or multilingual.

7 (d) It is the policy of the Mello-Granlund Older Californians
8 Act (Division 8.5 (commencing with Section 9000) of the Welfare
9 and Institutions Code) that older adults and those with disabilities
10 live as independent from institutions as much as possible and as
11 long as possible.

12 (e) It is the policy of the Mello-Granlund Older Californians
13 Act (Division 8.5 (commencing with Section 9000) of the Welfare
14 and Institutions Code) that to live independently, older Californians
15 must have an array of home and community-based services, in
16 conjunction with the federal Older Americans Act (42 U.S.C. Sec.
17 3001 et seq.), that support a quality of life and saves taxpayer
18 dollars in contrast to the cost of institutionalization.

19 (f) In order to sustain an independent lifestyle for older adults,
20 there must be trained gerontologists and health care professionals
21 trained in geriatrics to address the social and health needs of older
22 adults as they age.

23 (g) At present, California faces a severe shortage of professional
24 and paraprofessional gerontologists and geriatricians needed to
25 operate programs and provide services for older adults. Currently,
26 there is only one board-certified physician geriatrician per 4,000
27 Californians who are 65 years of age or older; and currently, only
28 5 percent of social workers are trained in gerontology or geriatrics,
29 yet 62 percent of licensed social workers have, or have had, care
30 management responsibilities.

31 (h) Incentives for recruiting students into training for careers in
32 gerontology and geriatrics must be developed in order to fill the
33 gap between workforce supply and demand lest the state incur the
34 greater cost of institutionalization and the quality of life for older
35 Californians suffers.

36 (i) Student loan forgiveness programs are a proven method of
37 inducing health care professionals to pursue stipulated career fields
38 for a specified time in exchange for loan assistance.

39 SEC. 3. Section 2815.2 is added to the Business and Professions
40 Code, to read:

1 2815.2. In addition to the fees charged for initial issuance or
2 biennial renewal of a license pursuant to Section 2815, and at the
3 time those fees are charged, the board shall charge each applicant
4 or licensee an additional fee of ten dollars (\$10) for the purposes
5 of the California Geriatric Registered Nurses Loan Assistance
6 Program of 2008 (Article 5 (commencing with Section 128305)
7 of Chapter 4 of Part 3 of Division 107 of the Health and Safety
8 Code). Payment of this ten-dollar (\$10) fee shall be made at the
9 time of application for initial licensure or biennial renewal. All
10 fees collected pursuant to this section shall be deposited in the
11 Geriatric Registered Nurses Account, as provided in Section
12 128305.4 of the Health and Safety Code.

13 SEC. 4. Section 4984.75 is added to the Business and
14 Professions Code, to read:

15 4984.75. In addition to the fees charged for initial issuance or
16 biennial renewal of a license pursuant to Section 4984.7, and at
17 the time those fees are charged, the board shall charge each
18 applicant or licensee an additional fee of ten dollars (\$10) for the
19 purposes of the California Geriatric Social Workers and Marriage
20 and Family Therapists Loan Assistance Program of 2008 (Article
21 6 (commencing with Section 128310) of Chapter 4 of Part 3 of
22 Division 107 of the Health and Safety Code). Payment of this
23 ten-dollar (\$10) fee shall be made at the time of application for
24 initial licensure or biennial renewal. All fees collected pursuant to
25 this section shall be deposited in the Geriatric Social Workers and
26 Marriage and Family Therapists Account, as provided in Section
27 128310.4 of the Health and Safety Code.

28 SEC. 5. Section 4996.66 is added to the Business and
29 Professions Code, to read:

30 4996.66. In addition to the fees charged for initial issuance or
31 biennial renewal of a license pursuant to Section 4996.3, and at
32 the time those fees are charged, the board shall charge each
33 applicant or licensee an additional fee of ten dollars (\$10) for the
34 purposes of the California Geriatric Social Workers and Marriage
35 and Family Therapists Loan Assistance Program of 2008 (Article
36 6 (commencing with Section 128310) of Chapter 4 of Part 3 of
37 Division 107 of the Health and Safety Code). Payment of this
38 ten-dollar (\$10) fee shall be made at the time of application for
39 initial licensure or biennial renewal. All fees collected pursuant to
40 this section shall be deposited in the Geriatric Social Workers and

1 Marriage and Family Therapists Account, as provided in Section
2 128310.4 of the Health and Safety Code.

3 SEC. 6. Article 5 (commencing with Section 128305) is added
4 to Chapter 4 of Part 3 of Division 107 of the Health and Safety
5 Code, to read:

6

7 Article 5. California Geriatric Registered Nurses Loan
8 Assistance Program of 2008
9

10 128305. There is hereby established in the Office of Statewide
11 Health Planning and Development, the California Geriatric
12 Registered Nurses Loan Assistance Program of 2008.

13 128305.1. It is the intent of this article that the office, in
14 consultation with the board, the medical community, including
15 representatives of ethnic minority groups, medical schools, health
16 advocates, primary care clinics, public hospitals and health care
17 systems, statewide agencies administering state and federally
18 funded health programs targeting communities of older
19 Californians, and members of the public with health care issue-area
20 expertise, shall develop and implement the California Geriatric
21 Registered Nurses Loan Assistance Program of 2008.

22 128305.2. For purposes of this article, the following terms have
23 the following meanings:

24 (a) "Account" means the Geriatric Registered Nurses Account
25 that is contained within the fund.

26 (b) "Board" means the Board of Registered Nursing.

27 (c) "Fund" means the Board of Registered Nursing Fund.

28 (d) "Geriatrics" means the practice of nursing, with training in,
29 and application to, older adults who are 65 years of age or older
30 or those with disabilities.

31 (e) "Office" means the Office of Statewide Health Planning and
32 Development.

33 (f) "Program" means the California Geriatric Registered Nurses
34 Loan Assistance Program of 2008.

35 128305.3. (a) Program applicants shall possess a current valid
36 license to practice registered nursing in this state issued by the
37 board pursuant to Section 2742 of the Business and Professions
38 Code.

1 (b) The office shall develop the guidelines for selection and
2 placement of applicants. The guidelines shall do all of the
3 following:

4 (1) Provide priority consideration to applicants who are trained
5 in, and practice, geriatric nursing, including, but not limited to,
6 nurses with doctorate degrees in gerontology, geriatric nurse
7 practitioners, and geriatric nurse clinicians, and who can meet the
8 cultural and linguistic needs and demands of diverse populations
9 of older Californians.

10 ~~(2) Provide priority consideration to applicants who are~~
11 ~~recognized as geriatric nurse practitioners or geriatric nurse~~
12 ~~clinicians and that have recently obtained their license to practice~~
13 ~~as a registered nurse.~~

14 ~~(3)–~~

15 (2) Give preference to applicants who have completed a
16 residency in nursing.

17 ~~(4)–~~

18 (3) Seek to place the most qualified applicants under this section
19 in the areas with the greatest need.

20 ~~(5)–~~

21 (4) Include a factor ensuring geographic distribution of
22 placements.

23 ~~(6)–~~

24 (5) Ensure that applicants may not discriminate against those
25 who cannot pay for medical services or those who are funded, in
26 part or in whole, by Medicare or Medi-Cal.

27 (c) Program participants shall be working in, or have a signed
28 agreement with, an eligible practice setting. The program
29 participant shall have full-time status, as defined by the office. The
30 office may establish exemptions to this requirement on a
31 case-by-case basis.

32 (d) Program participants shall commit to a minimum of three
33 years of service in a geriatric care setting. Leaves of absence shall
34 be permitted for serious illnesses, pregnancy, or other natural
35 causes. The office shall develop the process for determining the
36 maximum permissible length of an absence and the process for
37 reinstatement. Loan repayment shall be deferred until the nurse is
38 back to full-time status.

1 (e) The office shall develop the process *to reconcile the loan*
2 should a nurse be unable to complete his or her three-year
3 obligation.

4 (f) The office shall develop a process for outreach to potentially
5 eligible applicants.

6 (g) The office may adopt any other standards of eligibility,
7 placement, or termination appropriate to achieve the aim of
8 providing competent health care services in geriatrics.

9 128305.4. (a) The Geriatric Registered Nurses Account is
10 hereby created in the fund.

11 (b) Funding for the account shall be from fees paid at the time
12 of initial licensure or renewal pursuant to Section 2815.2 of the
13 Business and Professions Code.

14 (c) Funds placed into the account shall be used by the office to
15 repay the loans of program participants pursuant to agreements
16 made under the program.

17 (1) Funds paid out for loan repayment may have a funding match
18 from foundation or other private sources.

19 (2) Loan repayments shall not exceed thirty thousand dollars
20 (\$30,000) per program participant.

21 (3) Loan repayments shall not exceed the amount of the
22 educational loans incurred by the program participant.

23 (d) Notwithstanding Section 11005 of the Government Code,
24 the office may seek and receive matching funds from foundations
25 and private sources to be placed into the account. The office also
26 may contract with an exempt foundation for the receipt of matching
27 funds to be transferred to the account for use by this program.

28 128305.5. The terms of loan repayment granted under this
29 article shall be as follows:

30 (a) After a program participant has completed one year of
31 providing services as a registered nurse in a geriatric setting, the
32 office shall provide up to seven thousand five hundred dollars
33 (\$7,500) for loan repayment.

34 (b) After a program participant has completed two consecutive
35 years of providing services as a registered nurse in a geriatric
36 setting, the office shall provide up to an additional ten thousand
37 dollars (\$10,000) of loan repayment, for a total loan repayment of
38 up to seventeen thousand five hundred dollars (\$17,500).

39 (c) After a program participant has completed three consecutive
40 years of providing services as a registered nurse in a geriatric

1 setting, the office shall provide up to a maximum of an additional
2 twelve thousand five hundred dollars (\$12,500) of loan repayment,
3 for a total loan repayment of up to thirty thousand dollars
4 (\$30,000).

5 128305.6. (a) On and after January 1, 2010, applications from
6 registered nurses for program participation may be submitted.

7 (b) The office may work in conjunction with the Health
8 Professions Education Foundation for the implementation and
9 administration of this program.

10 (c) The office may promulgate emergency regulations to
11 implement the program.

12 SEC. 7. Article 6 (commencing with Section 128310) is added
13 to Chapter 4 of Part 3 of Division 107 of the Health and Safety
14 Code, to read:

15
16 Article 6. California Geriatric Social Workers and Marriage
17 and Family Therapists Loan Assistance Program of 2008
18

19 128310. There is hereby established in the Office of Statewide
20 Health Planning and Development, the California Geriatric Social
21 Workers and Marriage and Family Therapists Loan Assistance
22 Program of 2008.

23 128310.1. It is the intent of this article that the office, in
24 consultation with the board, the medical community, including
25 representatives of ethnic minority groups, schools of social work,
26 health advocates, primary care clinics, public hospitals and health
27 care systems, statewide agencies administering state and federally
28 funded health programs targeting communities of older
29 Californians, and members of the public with health care issue-area
30 expertise, shall develop and implement the California Geriatric
31 Social Workers and Marriage and Family Therapists Loan
32 Assistance Program of 2008.

33 128310.2. For purposes of this article, the following terms have
34 the following meanings:

35 (a) "Account" means the Geriatric Social Workers and Marriage
36 and Family Therapists Account that is contained within the fund.

37 (b) "Board" means the Board of Behavioral Sciences.

38 (c) "Fund" means the Behavioral Sciences Fund.

39 (d) "Geriatrics" means the practice of ~~medicine~~ *social work or*
40 *marriage and family therapy*, with training in, and application to,

1 older adults who are 65 years of age or older or those with
2 disabilities.

3 (e) “Office” means the Office of Statewide Health Planning and
4 Development.

5 (f) “Program” means the California Geriatric Social Workers
6 and Marriage and Family Therapists Loan Assistance Program of
7 2008.

8 128310.3. (a) Program applicants shall be registered associate
9 clinical social workers receiving supervision or shall possess a
10 current valid license to practice social work or marriage and family
11 therapy in this state issued by the board pursuant to Section 4980.30
12 or 4996.1 of the Business and Professions Code.

13 (b) The office shall develop the guidelines for selection and
14 placement of applicants. The guidelines shall do all of the
15 following:

16 (1) Provide priority consideration to applicants who are trained
17 in, and practice, geriatric social work or marriage and family
18 therapy, and who can meet the cultural and linguistic needs and
19 demands of diverse populations of older Californians.

20 (2) Provide priority consideration to applicants who have
21 recently obtained their license to practice marriage and family
22 therapy or clinical social work or be a registered associate clinical
23 social worker receiving supervision.

24 (3) Give preference to applicants who have completed an
25 internship in geriatric social work or marriage and family therapy.

26 (4) Seek to place the most qualified applicants under this section
27 in the areas with the greatest need.

28 (5) Include a factor ensuring geographic distribution of
29 placements.

30 (6) Ensure that applicants may not discriminate against those
31 who cannot pay for medical services or those who are funded, in
32 part or in whole, by Medicare or Medi-Cal.

33 (c) Program participants shall be working in, or have a signed
34 agreement with, an eligible practice setting. The program
35 participant shall have full-time status, as defined by the office. The
36 office may establish exemptions to this requirement on a
37 case-by-case basis.

38 (d) Program participants shall commit to a minimum of three
39 years of service in a geriatric care setting. Leaves of absence shall
40 be permitted for serious illnesses, pregnancy, or other natural

1 causes. The office shall develop the process for determining the
2 maximum permissible length of an absence and the process for
3 reinstatement. Loan repayment shall be deferred until the
4 participant is back to full-time status.

5 (e) The office shall develop the process *to reconcile the loan*
6 should a participant be unable to complete his or her three-year
7 obligation.

8 (f) The office shall develop a process for outreach to potentially
9 eligible applicants.

10 (g) The office may adopt any other standards of eligibility,
11 placement, or termination appropriate to achieve the aim of
12 providing competent social services in geriatrics.

13 128310.4. (a) The Geriatric Social Workers and Marriage and
14 Family Therapists Account is hereby created in the fund.

15 (b) Funding for the account shall be from fees paid at the time
16 of initial licensure or renewal pursuant to Sections 4984.75 and
17 4996.66 of the Business and Professions Code.

18 (c) Funds placed into the account shall be used by the office to
19 repay the loans of program participants pursuant to agreements
20 made under the program.

21 (1) Funds paid out for loan repayment may have a funding match
22 from foundation or other private sources.

23 (2) Loan repayments shall not exceed thirty thousand dollars
24 (\$30,000) per program participant.

25 (3) Loan repayments shall not exceed the amount of the
26 educational loans incurred by the program participant.

27 (d) Notwithstanding Section 11005 of the Government Code,
28 the office may seek and receive matching funds from foundations
29 and private sources to be placed into the account. The office also
30 may contract with an exempt foundation for the receipt of matching
31 funds to be transferred to the account for use by this program.

32 128310.5. The terms of loan repayment granted under this
33 article shall be as follows:

34 (a) After a program participant has completed one year of
35 providing services as a licensed marriage and family therapist or
36 a licensed or associate clinical social worker in a geriatric setting,
37 the office shall provide up to seven thousand five hundred dollars
38 (\$7,500) for loan repayment.

39 (b) After a program participant has completed two consecutive
40 years of providing services as a licensed marriage and family

1 therapist or a licensed or associate clinical social worker in a
2 geriatric setting, the office shall provide up to an additional ten
3 thousand dollars (\$10,000) of loan repayment, for a total loan
4 repayment of up to seventeen thousand five hundred dollars
5 (\$17,500).

6 (c) After a program participant has completed three consecutive
7 years of providing services as a licensed marriage and family
8 therapist or a licensed or associate clinical social worker in a
9 geriatric setting, the office shall provide up to a maximum of an
10 additional twelve thousand five hundred dollars (\$12,500) of loan
11 repayment, for a total loan repayment of up to thirty thousand
12 dollars (\$30,000).

13 128310.6. (a) On and after January 1, 2010, applications from
14 marriage and family therapists, registered associate social workers,
15 and licensed social workers for program participation may be
16 submitted.

17 (b) The office may work in conjunction with the Health
18 Professions Education Fund in the implementation and
19 administration of this program.

20 (c) The office may promulgate emergency regulations to
21 implement the program.

22 SEC. 8. Section 128552 of the Health and Safety Code is
23 amended to read:

24 128552. For purposes of this article, the following definitions
25 shall apply:

26 (a) “Account” means the Medically Underserved Account for
27 Physicians established within the Health Professions Education
28 Fund pursuant to this article.

29 (b) “Foundation” means the Health Professions Education
30 Foundation.

31 (c) “Fund” means the Health Professions Education Fund.

32 (d) “Medi-Cal threshold languages” means primary languages
33 spoken by limited-English-proficient (LEP) population groups
34 meeting a numeric threshold of 3,000, eligible LEP Medi-Cal
35 beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP
36 beneficiaries residing in a single ZIP Code, or 1,500 LEP Medi-Cal
37 beneficiaries residing in two contiguous ZIP Codes.

38 (e) “Medically underserved area” means an area defined as a
39 health professional shortage area in Part 5 of Subchapter A of
40 Chapter 1 of Title 42 of the Code of Federal Regulations or an

1 area of the state where unmet priority needs for physicians exist
2 as determined by the California Healthcare Workforce Policy
3 Commission pursuant to Section 128225.

4 (f) “Medically underserved population” means the Medi-Cal
5 program, Healthy Families Program, and uninsured populations.

6 (g) “Office” means the Office of Statewide Health Planning and
7 Development (OSHPD).

8 (h) “Physician Volunteer Program” means the Physician
9 Volunteer Registry Program established by the Medical Board of
10 California.

11 (i) “Practice setting” means either of the following:

12 (1) A community clinic as defined in subdivision (a) of Section
13 1204 and subdivision (c) of Section 1206, a clinic owned or
14 operated by a public hospital and health system, or a clinic owned
15 and operated by a hospital that maintains the primary contract with
16 a county government to fulfill the county’s role pursuant to Section
17 17000 of the Welfare and Institutions Code, which is located in a
18 medically underserved area and at least 50 percent of whose
19 patients are from a medically underserved population.

20 (2) A medical practice located in a medically underserved area
21 and at least 50 percent of whose patients are from a medically
22 underserved population.

23 (j) “Primary specialty” means family practice, internal medicine,
24 pediatrics, geriatrics, or obstetrics/gynecology.

25 (k) “Program” means the Steven M. Thompson Physician Corps
26 Loan Repayment Program.

27 (l) “Selection committee” means a minimum three-member
28 committee of the board, that includes a member that was appointed
29 by the Medical Board of California.

30 SEC. 9. Section 128553 of the Health and Safety Code is
31 amended to read:

32 128553. (a) Program applicants shall possess a current valid
33 license to practice medicine in this state issued pursuant to Section
34 2050 of the Business and Professions Code.

35 (b) The foundation, in consultation with those identified in
36 subdivision (b) of Section 123551, shall use guidelines developed
37 by the Medical Board of California for selection and placement
38 of applicants until the office adopts other guidelines by regulation.

39 (c) The guidelines shall meet all of the following criteria:

- 1 (1) Provide priority consideration to applicants that are best
2 suited to meet the cultural and linguistic needs and demands of
3 patients from medically underserved populations and who meet
4 one or more of the following criteria:
- 5 (A) Speak a Medi-Cal threshold language.
 - 6 (B) Come from an economically disadvantaged background.
 - 7 (C) Have received significant training in cultural and
8 linguistically appropriate service delivery.
 - 9 (D) Have three years of experience working in medically
10 underserved areas or with medically underserved populations.
 - 11 (E) Have recently obtained a license to practice medicine.
- 12 (2) Include a process for determining the needs for physician
13 services identified by the practice setting and for ensuring that the
14 practice setting meets the definition specified in subdivision (h)
15 of Section 128552.
- 16 (3) Give preference to applicants who have completed a
17 three-year residency in a primary specialty.
- 18 (4) Seek to place the most qualified applicants under this section
19 in the areas with the greatest need.
- 20 (5) Include a factor ensuring geographic distribution of
21 placements.
- 22 (d) (1) The foundation may appoint a selection committee that
23 provides policy direction and guidance over the program and that
24 complies with the requirements of subdivision (l) of Section
25 128552.
- 26 (2) The selection committee may fill up to 20 percent of the
27 available positions with program applicants from specialties outside
28 of the primary care specialties.
- 29 (3) The selection committee shall fill 15 percent of the available
30 positions with program applicants that agree to practice in a
31 geriatric care setting. Priority consideration shall be given to
32 applicants who are trained in, and practice, geriatrics, and who can
33 meet the cultural and linguistic needs and demands of diverse
34 populations of older Californians.
- 35 (e) Program participants shall meet all of the following
36 requirements:
- 37 (1) Shall be working in or have a signed agreement with an
38 eligible practice setting.
 - 39 (2) Shall have full-time status at the practice setting. Full-time
40 status shall be defined by the board and the selection committee

1 may establish exemptions from this requirement on a case-by-case
2 basis.

3 (3) Shall commit to a minimum of three years of service in a
4 medically underserved area. Leaves of absence shall be permitted
5 for serious illness, pregnancy, or other natural causes. The selection
6 committee shall develop the process for determining the maximum
7 permissible length of an absence and the process for reinstatement.
8 Loan repayment shall be deferred until the physician is back to
9 full-time status.

10 (f) The office shall adopt a process ~~that applies if a physician~~
11 *is to reconcile the loan should a physician be* unable to complete
12 his or her three-year obligation.

13 (g) The foundation, in consultation with those identified in
14 subdivision (b) of Section 128551, shall develop a process for
15 outreach to potentially eligible applicants.

16 (h) The foundation may recommend to the office any other
17 standards of eligibility, placement, and termination appropriate to
18 achieve the aim of providing competent health care services in
19 approved practice settings.

20 SEC. 10. Chapter 6 (commencing with Section 128559) is
21 added to Part 3 of Division 107 of the Health and Safety Code, to
22 read:

23
24
25
26

CHAPTER 6. CALIFORNIA GERIATRIC AND GERONTOLOGY
STUDENT LOAN ASSISTANCE PROGRAM OF 2008

27 128559. This chapter shall be known and may be cited as the
28 California Geriatric and Gerontology Student Loan Assistance
29 Program of 2008.

30 128559.1. It is the intent of this chapter that the Office of
31 Statewide Health Planning and Development, in consultation with
32 the Medical Board of California, state allied health professional
33 and behavioral sciences licensing boards, postsecondary schools
34 of health sciences and social work, health advocates representing
35 diverse ethnic communities, primary care clinics, public hospitals
36 and health care systems, statewide agencies administering state
37 and federally funded programs targeting treatment and services
38 for older adults, and members of the public with health care
39 issue-area expertise, shall develop and implement the program.

1 128559.2. (a) There is hereby established in the Office of
2 Statewide Health Planning and Development, the California
3 Geriatric and Gerontology Student Loan Assistance Program of
4 2008.

5 (b) The Office of Statewide Health Planning and Development
6 shall operate the program in accordance with, but not limited to,
7 the following:

8 (1) Increased efforts in educating students trained in geriatrics
9 and gerontology of the need for health care and social work
10 professionals to meet the demands of the exponential increase in
11 the older adult population, and of programs that are available that
12 provide incentives, financial and otherwise, to practice in settings
13 and areas in need.

14 (2) Strategic collaboration with California postsecondary schools
15 of health sciences and social work to better prepare health care
16 professionals and social workers to meet the distinctive cultural
17 and medical needs of California's older adult populations.

18 (3) Establish, encourage, and expand programs for students of
19 the health care and social work professions for mentoring at
20 primary and secondary schools, and college levels to increase the
21 number of students entering the studies of health professions and
22 social work with a concentration in geriatrics or gerontology.

23 (4) Administer financial or other incentives to encourage new
24 or experienced health care professionals and social workers to
25 practice in the fields of geriatrics and gerontology.

26 128559.3. For purposes of this chapter:

27 (a) "Office" means the Office of Statewide Health Planning and
28 Development.

29 (b) "Program" means the California Geriatric and Gerontology
30 Student Loan Assistance Program of 2008.

31 128559.4. (a) The office shall administer the program. Any
32 individual enrolled in an institution of postsecondary education
33 participating in the programs set forth in this chapter may be
34 eligible to receive a conditional warrant for loan repayment, to be
35 redeemed upon becoming employed as a licensed health
36 professional, marriage and family therapist, or social worker or
37 registered associate social worker in a setting serving primarily
38 older adult populations. In order to be eligible to receive a
39 conditional loan repayment warrant, an applicant shall satisfy all
40 of the following conditions:

- 1 (1) The applicant has been judged by his or her postsecondary
- 2 institution to have outstanding ability on the basis of criteria that
- 3 may include, but not be limited to, any of the following:
- 4 (A) Grade point average.
- 5 (B) Test scores.
- 6 (C) Faculty evaluations.
- 7 (D) Interviews.
- 8 (E) Other recommendations.
- 9 (2) In order to meet the costs associated with obtaining a health
- 10 professional or social work degree, the applicant has received, or
- 11 is approved to receive, a loan under one or more of the following
- 12 designated loan programs:
- 13 (A) The Federal Family Education Loan Program (10 U.S.C.
- 14 Sec. 1071 et seq.).
- 15 (B) Any loan program approved by the Student Aid
- 16 Commission.
- 17 (3) The applicant has agreed to provide services as a licensed
- 18 health professional, marriage and family therapist, or social worker,
- 19 or to be registered as an associate clinical social worker with
- 20 satisfactory progress toward licensure, for up to three consecutive
- 21 years, after obtaining a license or associate registration from the
- 22 applicable state health professional or behavioral-science *sciences*
- 23 licensing board, in a setting providing health or social services
- 24 primarily to older adults.
- 25 (4) The applicant has agreed that he or she shall not discriminate
- 26 against any patient or client who cannot pay for services or those
- 27 who are funded, in part or in whole, by Medicare or Medi-Cal.
- 28 (b) The office shall ensure that priority consideration be given
- 29 to applicants who are best suited to meet the cultural and linguistic
- 30 needs and demands of geriatric populations and who meet one or
- 31 more of the following criteria:
- 32 (1) Have received significant training in cultural and
- 33 linguistically appropriate service delivery.
- 34 (2) Have done a clinical rotation or social work internship, of
- 35 at least two semesters, serving older adult populations.
- 36 (c) A person participating in the program pursuant to this chapter
- 37 shall not receive more than one warrant.
- 38 (d) The office shall adopt rules and regulations regarding the
- 39 reallocation of warrants if a participating institution is unable to

1 utilize its allocated warrants or is unable to distribute them within
2 a reasonable time period.

3 128559.5. (a) The office shall develop the process to redeem
4 an applicant's warrant and commence loan repayment.

5 (b) The office shall distribute student applications to participate
6 in the program to postsecondary institutions eligible to participate
7 in the state and federal financial aid programs and that have a
8 program of professional preparation for health care professionals,
9 social workers, or marriage and family therapists.

10 (c) Each participating institution shall sign an institutional
11 agreement with the office, certifying its intent to administer the
12 program according to all applicable published rules, regulations,
13 and guidelines, and shall make special efforts to notify students
14 regarding the availability of the program particularly to
15 economically disadvantaged students.

16 (d) To the extent feasible, the office and each participating
17 institution shall coordinate this program with other existing
18 programs designed to recruit or encourage students to enter the
19 health care, social work, or marriage and family therapy profession.

20 These programs shall include, but not be limited to, the following:

21 (1) The Song-Brown Family Physician Training Act (Article 1
22 commencing with Section 128200) of Chapter 4).

23 (2) The Health Education and Academic Loan Act (Article 2
24 commencing with Section 128250) of Chapter 4).

25 (3) The National Health Service Corps.

26 128559.6. (a) The office shall administer the program and
27 shall adopt rules and regulations for that purpose. The rules and
28 regulations shall include, but not be limited to, provisions regarding
29 the period of time for which a warrant shall remain valid, the
30 reallocation of warrants that are not utilized, and the development
31 of projections for funding purposes.

32 (b) The office shall work in conjunction with lenders
33 participating in federal or similar loan programs to develop a
34 streamlined application process for participation in the program.

35 128559.7. (a) The office shall establish a fund to utilize for
36 the purposes of this chapter.

37 (b) The office may seek matching funds from foundations and
38 private sources. The office may also contract with an exempt
39 foundation for the receipt of matching funds to be transferred to
40 the fund for use by this program.

1 (c) The provisions of this chapter shall not become operative
2 unless appropriate funding, as determined by the office, is made
3 available.

4 128559.8. (a) On or before January 31 of each year, the office
5 shall provide an annual report to the Legislature regarding the
6 program that includes all of the following:

7 (1) The number of program participants by profession.

8 (2) Practice locations.

9 (3) The amount expended for the program.

10 (4) Information on annual performance reviews by the practice
11 setting and program participants.

12 (5) An evaluation of the program's effectiveness in improving
13 access to health and social services for older adults.

14 (6) Recommendations for maintaining or expanding the program.

15 (b) This section shall become operative on January 1, 2010.

16 SEC. 11. Sections 8 and 9 of this act shall become operative
17 only if Assembly Bill 2439 of the 2007–08 Regular Session is
18 enacted and becomes effective on or before January 1, 2009.

AMENDED IN SENATE APRIL 1, 2008

SENATE BILL

No. 1402

Introduced by Senator Corbett

February 21, 2008

An act to amend Sections 27, 801, 802.1, and 1005 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1402, as amended, Corbett. ~~Reporting~~ *Reporting* requirements.

Existing law provides for the licensure, registration, and regulation of healing arts practitioners by various boards and bureaus, including, but not limited to, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Veterinary Medical Board, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology Board, the Respiratory Care Board of California, the California Board of Occupational Therapy, and the Bureau of Naturopathic Medicine. Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic. Existing law requires certain entities within the Department of Consumer Affairs and the Department of Real Estate to provide information, excluding personal information, on the Internet relative to the status of every license issued by the entity, as specified. Existing law requires certain health care providers to report to their licensing boards the bringing of an indictment or information charging a felony against them or their conviction of a felony or misdemeanor. Existing law requires insurers providing professional liability insurance to certain health care professionals to send a complete report to the

applicable licensing entity as to any settlement or arbitration award meeting certain criteria.

This bill would expand the information that the specified licensing entities are required to disclose to the public on the Internet ~~information~~ to include information regarding ~~licensees~~ *licensee's* convictions of a ~~misdemeanor or felony~~ *specified misdemeanors or felonies*, and would add the Board of Chiropractic Examiners *and specified other healing arts boards and bureaus* to the entities required to provide the licensing status information. The bill would require a chiropractor to report to the Board of Chiropractic Examiners the bringing of an indictment or information charging a felony against them or their conviction of any felony or misdemeanor. The bill would also require an insurer providing professional liability insurance to a chiropractor to send a complete report to the Chiropractic Examiners Board, as specified, of any settlement or arbitration award of over \$2,000 of a claim or action for damages meeting certain criteria.

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 27 of the Business and Professions Code
 2 is amended to read:
 3 27. (a) Every entity specified in subdivision (b) shall provide
 4 on the Internet information regarding the status of every license
 5 issued by that entity in accordance with the California Public
 6 Records Act (Chapter 3.5 (commencing with Section 6250) of
 7 Division 7 of Title 1 of the Government Code) and the Information
 8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
 9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
 10 information to be provided on the Internet shall ~~include information~~
 11 ~~on convictions of licensees of the entity of a misdemeanor or felony,~~
 12 ~~and shall include information on~~ *include information on a*
 13 *misdemeanor conviction that results in a disciplinary action or an*
 14 *accusation that is not subsequently withdrawn or dismissed, or a*
 15 *felony conviction that is reported to the entity by the courts*
 16 *pursuant to Section 803, unless otherwise provided by law, and*
 17 *shall include information on suspensions and revocations of*
 18 *licenses issued by the entity and other related enforcement action*
 19 *taken by the entity relative to persons, businesses, or facilities*

1 subject to licensure or regulation by the entity. In providing
2 information on the Internet, each entity shall comply with the
3 Department of Consumer Affairs Guidelines for Access to Public
4 Records. The information may not include personal information,
5 including home telephone number, date of birth, or social security
6 number. Each entity shall disclose a licensee's address of record.
7 However, each entity shall allow a licensee to provide a post office
8 box number or other alternate address, instead of his or her home
9 address, as the address of record. This section shall not preclude
10 an entity from also requiring a licensee, who has provided a post
11 office box number or other alternative mailing address as his or
12 her address of record, to provide a physical business address or
13 residence address only for the entity's internal administrative use
14 and not for disclosure as the licensee's address of record or
15 disclosure on the Internet.

16 (b) Each of the following entities within the Department of
17 Consumer Affairs shall comply with the requirements of this
18 section:

19 (1) The Acupuncture Board shall disclose information on its
20 licensees.

21 (2) The Board of Behavioral Sciences shall disclose information
22 on its licensees, including marriage and family therapists, licensed
23 clinical social workers, and licensed educational psychologists.

24 (3) The Dental Board of California shall disclose information
25 on its licensees.

26 (4) The State Board of Optometry shall disclose information
27 regarding certificates of registration to practice optometry,
28 statements of licensure, optometric corporation registrations, branch
29 office licenses, and fictitious name permits of its licensees.

30 (5) The Board for Professional Engineers and Land Surveyors
31 shall disclose information on its registrants and licensees.

32 (6) The Structural Pest Control Board shall disclose information
33 on its licensees, including applicators, field representatives, and
34 operators in the areas of fumigation, general pest and wood
35 destroying pests and organisms, and wood roof cleaning and
36 treatment.

37 (7) The Bureau of Automotive Repair shall disclose information
38 on its licensees, including auto repair dealers, smog stations, lamp
39 and brake stations, smog check technicians, and smog inspection
40 certification stations.

1 (8) The Bureau of Electronic and Appliance Repair shall disclose
2 information on its licensees, including major appliance repair
3 dealers, combination dealers (electronic and appliance), electronic
4 repair dealers, service contract sellers, and service contract
5 administrators.

6 (9) The Cemetery and Funeral Bureau shall disclose information
7 on its licensees, including cemetery brokers, cemetery salespersons,
8 crematories, and cremated remains disposers.

9 (10) The Cemetery and ~~Funeral~~ *Funeral* Bureau shall disclose
10 information on its licensees, including embalmers, funeral
11 establishments, and funeral directors.

12 (11) The Contractors' State License Board shall disclose
13 information on its licensees in accordance with Chapter 9
14 (commencing with Section 7000) of Division 3. In addition to
15 information related to licenses as specified in subdivision (a), the
16 board shall also disclose information provided to the board by the
17 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

18 (12) The Board of Psychology shall disclose information on its
19 licensees, including psychologists, psychological assistants, and
20 registered psychologists.

21 (13) The Board of Chiropractic Examiners shall disclose
22 information on its licensees.

23 (14) *The Board of Registered Nursing shall disclose information*
24 *on its licensees.*

25 (15) *The Board of Vocational Nursing and Psychiatric*
26 *Technicians of the State of California shall disclose information*
27 *on its licensees.*

28 (16) *The Veterinary Medical Board shall disclose information*
29 *on its licensees and registrants.*

30 (17) *The Physical Therapy Board of California shall disclose*
31 *information on its licensees.*

32 (18) *The California State Board of Pharmacy shall disclose*
33 *information on its licensees.*

34 (19) *The Speech-Language Pathology and Audiology Board*
35 *shall disclose information on its licensees.*

36 (20) *The Respiratory Care Board of California shall disclose*
37 *information on its licensees.*

38 (21) *The California Board of Occupational Therapy shall*
39 *disclose information on its licensees.*

1 (22) *The Bureau of Naturopathic Medicine shall disclose*
2 *information on its licensees.*

3 (c) “Internet” for the purposes of this section has the meaning
4 set forth in paragraph (6) of subdivision (e) of Section 17538.

5 SEC. 2. Section 801 of the Business and Professions Code is
6 amended to read:

7 801. (a) Except as provided in Section 801.01 and subdivisions
8 (b), (c), (d), and (e) of this section, every insurer providing
9 professional liability insurance to a person who holds a license,
10 certificate, or similar authority from or under any agency mentioned
11 in subdivision (a) of Section 800 shall send a complete report to
12 that agency as to any settlement or arbitration award over three
13 thousand dollars (\$3,000) of a claim or action for damages for
14 death or personal injury caused by that person’s negligence, error,
15 or omission in practice, or by his or her rendering of unauthorized
16 professional services. The report shall be sent within 30 days after
17 the written settlement agreement has been reduced to writing and
18 signed by all parties thereto or within 30 days after service of the
19 arbitration award on the parties.

20 (b) Every insurer providing professional liability insurance to
21 a person licensed pursuant to Chapter 13 (commencing with
22 Section 4980) or Chapter 14 (commencing with Section 4990)
23 shall send a complete report to the Board of Behavioral Science
24 Examiners as to any settlement or arbitration award over ten
25 thousand dollars (\$10,000) of a claim or action for damages for
26 death or personal injury caused by that person’s negligence, error,
27 or omission in practice, or by his or her rendering of unauthorized
28 professional services. The report shall be sent within 30 days after
29 the written settlement agreement has been reduced to writing and
30 signed by all parties thereto or within 30 days after service of the
31 arbitration award on the parties.

32 (c) Every insurer providing professional liability insurance to
33 a dentist licensed pursuant to Chapter 4 (commencing with Section
34 1600) shall send a complete report to the Dental Board of
35 California as to any settlement or arbitration award over ten
36 thousand dollars (\$10,000) of a claim or action for damages for
37 death or personal injury caused by that person’s negligence, error,
38 or omission in practice, or rendering of unauthorized professional
39 services. The report shall be sent within 30 days after the written
40 settlement agreement has been reduced to writing and signed by

1 all parties thereto or within 30 days after service of the arbitration
2 award on the parties.

3 (d) Every insurer providing liability insurance to a veterinarian
4 licensed pursuant to Chapter 11 (commencing with Section 4800)
5 shall send a complete report to the Veterinary Medical Board of
6 any settlement or arbitration award over ten thousand dollars
7 (\$10,000) of a claim or action for damages for death or injury
8 caused by that person’s negligence, error, or omission in practice,
9 or rendering of unauthorized professional service. The report shall
10 be sent within 30 days after the written settlement agreement has
11 been reduced to writing and signed by all parties thereto or within
12 30 days after service of the arbitration award on the parties.

13 (e) Every insurer providing liability insurance to a chiropractor
14 licensed pursuant to the Chiropractic Act shall send a complete
15 report to the Board of Chiropractic Examiners of any settlement
16 or arbitration award over two thousand dollars (\$2,000) of a claim
17 or action for damages for death or injury caused by that person’s
18 negligence, error, or omission in practice, or rendering of
19 unauthorized professional service. The report shall be sent within
20 30 days after the written settlement agreement has been reduced
21 to writing and signed by all parties thereto or within 30 days after
22 service of the arbitration award on the parties.

23 (f) The insurer shall notify the claimant, or if the claimant is
24 represented by counsel, the insurer shall notify the claimant’s
25 attorney, that the report required by this section has been sent to
26 the agency. If the attorney has not received this notice within 45
27 days after the settlement was reduced to writing and signed by all
28 of the parties, the arbitration award was served on the parties, or
29 the date of entry of the civil judgment, the attorney shall make the
30 report to the agency.

31 (g) Notwithstanding any other provision of law, no insurer shall
32 enter into a settlement without the written consent of the insured,
33 except that this prohibition shall not void any settlement entered
34 into without that written consent. The requirement of written
35 consent shall only be waived by both the insured and the insurer.

36 SEC. 3. Section 802.1 of the Business and Professions Code
37 is amended to read:

38 802.1. (a) (1) A physician and surgeon, an osteopathic
39 physician and surgeon, a doctor of podiatric medicine, and a

1 chiropractor shall report either of the following to the entity that
2 issued his or her license:

3 (A) The bringing of an indictment or information charging a
4 felony against the licensee.

5 (B) The conviction of the licensee, including any verdict of
6 guilty, or plea of guilty or no contest, of any felony or
7 misdemeanor.

8 (2) The report required by this subdivision shall be made in
9 writing within 30 days of the date of the bringing of the indictment
10 or information or of the conviction.

11 (b) Failure to make a report required by this section shall be a
12 public offense punishable by a fine not to exceed five thousand
13 dollars (\$5,000).

14 SEC. 4. Section 1005 of the Business and Professions Code is
15 amended to read:

16 1005. The provisions of Sections 12.5, 23.9, 27, 29.5, 30, 31,
17 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141,
18 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5,
19 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704,
20 710, 716, 730.5, 731, 801, 802.1, and 851 are applicable to persons
21 licensed by the State Board of Chiropractic Examiners under the
22 Chiropractic Act.

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