

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 2270

VERSION: AMENDED APRIL 1, 2024

AUTHOR: MAIENSCHIN

SPONSOR: AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: HEALING ARTS: CONTINUING EDUCATION: MENOPAUSAL MENTAL OR PHYSICAL HEALTH

Summary:

This bill would provide Board licensees with the option of taking continuing education coursework on the subject of menopausal mental health within the scope of their practice.

Existing Law:

- 1) Requires the director of the Department of Consumer Affairs to establish, by regulation, guidelines to prescribe components for mandatory continuing education programs administered by any board within the department. The guidelines shall be developed to ensure that mandatory continuing education is used as a means to create a more competent licensing population, thereby enhancing public protection. (Business and Professions Code (BPC) §166)
- 2) Requires licensees of the Board of Behavioral Sciences (Board), upon renewal of their license, to certify to the Board that they have completed at least 36 hours of approved continuing education in or relevant to their field of practice in the past 2 years. (BPC §§4980.54(c), 4989.34(a), 4996.22(a), 4999.76(a)).
- 3) Requires that 6 hours of the required 36 hours of continuing education taken in a renewal period be in the subject of law and ethics. (California Code of Regulations (CCR) Title 16, §1887.3(c))
- 4) Specifies that continuing education training, education, and coursework must be from approved providers and must incorporate one or more of the following (BPC §§4980.54(h), 4989.34(c), 4996.22(f), 4999.76(f)) :
 - a) Aspects of the discipline that are fundamental to the understanding or practice of the profession for which licensed;
 - b) Aspects of the discipline for which licensed where significant recent developments have occurred; and

- c) Aspects of other disciplines that enhance the understanding or practice of the profession for which licensed.
- 5) Specifies that the required continuing education be obtained from either an accredited or approved school, or from a source specified by the Board as acceptable in regulations. (BPC §§ 4980.54(f), 4989.34(b), 4996.22(d), 4999.76(d))
- 6) Specifies in regulations that in addition to an accredited or approved school, a continuing education provider may be a board-recognized approval agency, a provider approved or registered by a board-recognized approval agency, or a professional association that is recognized by the Board as a continuing education provider. (16 CCR §1887.4.3(a))

This Bill:

- 1) Allows a licensed marriage and family therapist (LMFT), educational psychologist (LEP), clinical social worker (LCSW), and professional clinical counselor (LPCC) the option of taking coursework on menopausal mental health within the scope of their practice as part of their required continuing education. (BPC §§4980.56, 4989.35, 4996.29, 4999.77)
- 2) Also provides a similar allowance for licensees of the Medical Board of California, the Board of Registered Nursing, the Board of Psychology, and the Physician Assistant Board. (BPC §§2191.3, 2811.7, 2914.4, 3524.6))

Comment:

- 1) **Author's Intent.** The author's office states there is a lack of knowledge in the general population, and a lack of training in medical schools, regarding menopause. They believe that allowing coursework in menopause mental and physical health will bring awareness to the issues that those experiencing menopause face.
- 2) **Course Content Already Permitted.** The Board's licensing laws already permit any continuing education coursework that is in or relevant to the practice of that profession. With the exception of LEPs, whose clients are children, the Board would accept a course in menopausal mental health toward continuing education requirements.

There is an extremely wide variety of continuing education courses available to the Board's licensees, covering a wide range of topics in a wide range of specialties, that pertain to the practice of the professions the Board regulates. The Board should consider whether affirmatively stating in law that certain courses are permitted, which already pertain to the practice of the Board's professions and are therefore already permitted, raises the question of whether or not other relevant courses, which are not listed in law, are allowed.

- 3) Need to Specify the Source of the Course.** The Board's law requires that continuing education be from specified sources. Staff recommends that the bill should affirm that the continuing education course must meet the requirements specified in BPC §§4980.54, 4989.34, 4996.22, and 4999.76.
- 4) Related Legislation.** AB 2581 (Maienschein) provides that Board licensees may take continuing education coursework in maternal mental health.
- 5) Support and Opposition.**

Support:

None at this time.

Opposition:

None at this time.

6) History.

04/01/24 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

02/26/24 Referred to Com. on B. & P.

02/09/24 From printer. May be heard in committee March 10.

02/08/24 Read first time. To print.

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AMENDED IN ASSEMBLY APRIL 1, 2024
california legislature—2023–24 regular session

ASSEMBLY BILL

No. 2270

Introduced by Assembly Member Maienschein

February 8, 2024

An act to add Sections 2191.3, 2811.7, 2914.4, 3524.6, 4980.56, 4989.35, 4996.29, and 4999.77 to the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 2270, as amended, Maienschein. Healing arts: continuing education: menopausal mental ~~and~~ *or* physical health.

Existing law, the Medical Practice Act, establishes the Medical Board of California and sets forth its powers and duties relating to the licensure and regulation of physicians and surgeons. Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing and sets forth its powers and duties relating to the licensure and regulation of the practice of nursing. Existing law, the Psychology Licensing Law, establishes the Board of Psychology and sets forth its powers and duties relating to the licensure and regulation of psychologists. Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board and sets forth its powers and duties relating to the licensure and regulation of physician assistants.

Existing law, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, the Licensed Professional Clinical Counselor Act, and the Educational Psychologist Practice Act, provides for the licensure and regulation of the practices of marriage and family therapy, clinical social work, professional clinical counseling, and

education psychology, respectively, by the Board of Behavioral Sciences.

Existing law establishes continuing education requirements for all of these various healing arts practitioners.

This bill would require licensees under these provisions to have the option of taking coursework on menopausal mental ~~and~~ or physical health *within the scope of their practice* to satisfy continuing education and professional development requirements.

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 2191.3 is added to the Business and
2 Professions Code, to read:

3 2191.3. Notwithstanding any law to the contrary, a licensee
4 shall have the option of taking coursework on menopausal mental
5 ~~and~~ or physical health *within the scope of their practice* to satisfy
6 continuing education requirements.

7 SEC. 2. Section 2811.7 is added to the Business and Professions
8 Code, to read:

9 2811.7. Notwithstanding any law to the contrary, a licensee
10 shall have the option of taking coursework on menopausal mental
11 ~~and~~ or physical health *within the scope of their practice* to satisfy
12 continuing education requirements.

13 SEC. 3. Section 2914.4 is added to the Business and Professions
14 Code, to read:

15 2914.4. Notwithstanding any law to the contrary, a licensee
16 shall have the option of taking coursework on menopausal mental
17 ~~and physical~~ health *within the scope of their practice* to satisfy
18 continuing education requirements.

19 SEC. 4. Section 3524.6 is added to the Business and Professions
20 Code, to read:

21 3524.6. Notwithstanding any law to the contrary, a licensee
22 shall have the option of taking coursework on menopausal mental
23 ~~and~~ or physical health *within the scope of their practice* to satisfy
24 continuing education requirements.

25 SEC. 5. Section 4980.56 is added to the Business and
26 Professions Code, to read:

1 4980.56. Notwithstanding any law to the contrary, a licensee
2 shall have the option of taking coursework on menopausal mental
3 ~~and physical~~ health *within the scope of their practice* to satisfy
4 continuing education requirements.

5 SEC. 6. Section 4989.35 is added to the Business and
6 Professions Code, to read:

7 4989.35. Notwithstanding any law to the contrary, a licensee
8 shall have the option of taking coursework on menopausal mental
9 ~~and physical~~ health *within the scope of their practice* to satisfy
10 continuing education requirements.

11 SEC. 7. Section 4996.29 is added to the Business and
12 Professions Code, to read:

13 4996.29. Notwithstanding any law to the contrary, a licensee
14 shall have the option of taking coursework on menopausal mental
15 ~~and physical~~ health *within the scope of their practice* to satisfy
16 continuing education requirements.

17 SEC. 8. Section 4999.77 is added to the Business and
18 Professions Code, to read:

19 4999.77. Notwithstanding any law to the contrary, a licensee
20 shall have the option of taking coursework on menopausal mental
21 ~~and physical~~ health *within the scope of their practice* to satisfy
22 continuing education requirements.

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