

### CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 2581 VERSION: AMENDED APRIL 10, 2024

AUTHOR: MAIENSCHEIN SPONSOR: AUTHOR

POLICY & ADVOCACY COMMITTEE RECOMMENDATION: NONE

SUBJECT: HEALING ARTS: CONTINUING EDUCATION: MATERNAL MENTAL HEALTH

### Summary:

This bill would require the Board to consider including a course in maternal mental health in its continuing education (CE) requirements.

## **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;
  - 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 in statute 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) Requires the Board to consider including a course in maternal mental health as part of its continuing education requirements for marriage and family therapists (LMFTs), educational psychologists (LEP), clinical social workers (LCSWs), and professional clinical counselors (LPCCs). (BPC §§4980.54, 4989.34, 4996.22, 4999.76)
- 2) Also provides a similar requirement for the Board of Registered Nursing, the Board of Psychology, and the Physician Assistant Board. (BPC §§2811.5, 2914.4, 3524.5))

### Comment:

- 1) Author's Intent. The author's office states that maternal mental health conditions are the leading cause of pregnancy related deaths, and that providing coursework on this topic would provide information to medical and mental health providers about how to appropriately treat their affected clients.
- 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. The Board would accept a course in maternal mental health toward continuing education requirements.

There is a wide variety of continuing education courses available to the Board's licensees, covering numerous topics in a wide range of specialties, that pertain to the practice of the professions the Board regulates. Aside from requiring a California law and ethics CE course, the Board leaves it to the licensee to determine what course CE topics are most relevant and beneficial to them in their practice. The Board should consider whether requiring certain courses, which already pertain to the practice of the Board's professions and are therefore already permitted, raises the question of whether or not courses covering other topics should also be required.

- **3) Policy & Advocacy Committee Recommendation.** At its April 2024 meeting, the Board's Policy and Advocacy Committee decided not to recommend a position to the Board.
- **4) Staff Recommendation.** Staff recommends that the Board consider taking no position on the bill, and directing staff to continue to watch it.
- **5) Previous Related Legislation.** AB 845 (Maienschein, Chapter 220, Statutes of 2019) requires the Medical Board of California to consider including a course in maternal mental health in its continuing education requirements for physicians and surgeons.
- **6)** Current Related Legislation. AB 2270 (Maienschein) would require the Board to consider including a course in menopausal mental or physical health in its CE requirements.

### 7) Support and Opposition

**Support:** American College of Obstetricians and Gynecologists District IX **Opposition:** None at this time.

### 8) History

04/11/24 Re-referred to Com. on APPR.

04/10/24 Read second time and amended.

04/09/24 From committee: Amend, and do pass as amended and re-refer to Com.

on APPR. (Ayes 18. Noes 0.) (April 9).

03/04/24 Referred to Com. on B. & P.

02/15/24 From printer. May be heard in committee March 16.

02/14/24 Read first time. To print.

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# AMENDED IN ASSEMBLY APRIL 10, 2024 california legislature—2023–24 regular session

#### ASSEMBLY BILL

No. 2581

# Introduced by Assembly Member Maienschein (Coauthor: Assembly Member Bains)

February 14, 2024

An act to add Sections 2191.3, 2811.7, 2914.4, 3524.6, 4980.56, 4989.35, 4996.29, and 4999.77 to amend Sections 2811.5, 3524.5, 4980.54, 4989.34, 4996.22, and 4999.76 of, and to add Section 2914.4 to, the Business and Professions Code, relating to healing arts.

#### legislative counsel's digest

AB 2581, as amended, Maienschein. Healing arts: continuing education: maternal mental 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

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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 maternal mental health to satisfy continuing education and professional development requirements. the above-specified boards, in determining their continuing education requirements, to consider including a course in maternal mental health.

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 2811.5 of the Business and Professions 2 Code is amended to read:

2811.5. (a) Each person renewing their license under Section 2811 shall submit proof satisfactory to the board that, during the preceding two-year period, they have been informed of the developments in the registered nurse field or in any special area of practice engaged in by the licensee, occurring since the last renewal thereof, either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of the licensee, and approved by the board, or by other means deemed equivalent by the board.

- (b) Notwithstanding Section 10231.5 of the Government Code, the board, in compliance with Section 9795 of the Government Code, shall do the following:
- (1) By January 1, 2019, deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities.
- (2) By January 1, 2020, report to the appropriate legislative committees on its progress implementing this plan.
- (c) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to ensure that a variety of alternative forms of continuing education are available to licensees, including, but not limited to, online, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension

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studies, and home study programs. The standards shall take cognizance of specialized areas of practice, and content shall be relevant to the practice of nursing and shall be related to the scientific knowledge or technical skills required for the practice of nursing or be related to direct or indirect patient or client care. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

- (d) The board shall audit continuing education providers at least once every five years to ensure adherence to regulatory requirements, and shall withhold or rescind approval from any provider that is in violation of the regulatory requirements.
- (e) The board shall encourage continuing education in spousal or partner abuse detection and treatment. In the event the board establishes a requirement for continuing education coursework in spousal or partner abuse detection or treatment, that requirement shall be met by each licensee within no more than four years from the date the requirement is imposed.
- (f) In establishing standards for continuing education, the board shall consider including a course in the special care needs of individuals and their families, including, but not limited to, all of the following:
  - (1) Pain and symptom management, including palliative care.
  - (2) The psychosocial dynamics of death.
  - (3) Dying and bereavement.
  - (4) Hospice care.
- (g) In establishing standards for continuing education, the board shall consider including a course in maternal mental health.

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(h) This section shall not apply to licensees during the first two years immediately following their initial licensure in California or any other governmental jurisdiction, except that, beginning January 1, 2023, those licensees shall complete one hour of direct participation in an implicit bias course offered by a continuing education provider approved by the board that meets all the same requirements outlined in paragraph (1) of subdivision (f) of Section 2786, including, but not limited to, the identification of the licensees previous or current unconscious biases and misinformation and corrective measures to decrease implicit bias

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at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.

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- (i) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for licensees residing in another state or country, or for reasons of health, military service, or other good cause.
- SEC. 2. Section 2914.4 is added to the Business and Professions Code, to read:
- 2914.4. In determining its continuing professional development, the board shall consider including a course in maternal mental health.
- SEC. 3. Section 3524.5 of the Business and Professions Code is amended to read:
- 3524.5. (a) The board may require a licensee to complete continuing education as a condition of license renewal under Section 3523 or 3524. The board shall not require more than 50 hours of continuing education every two years. The board shall, as it deems appropriate, accept certification by the National Commission on Certification of Physician Assistants (NCCPA), or another qualified certifying body, as determined by the board, as evidence of compliance with continuing education requirements.
- (b) (1) The board shall adopt regulations to require that, on and after January 1, 2022, all continuing education courses for licensees under this chapter contain curriculum that includes the understanding of implicit bias.
- (2) Beginning January 1, 2023, continuing education providers shall ensure compliance with paragraph (1).
- (3) Beginning January 1, 2023, the board shall audit continuing education providers at least once every five years to ensure adherence to regulatory requirements, and shall withhold or rescind approval from any provider that is in violation of the regulatory requirements.
- (c) Notwithstanding the provisions of subdivision (b), a continuing education course dedicated solely to research or other issues that does not include a direct patient care component is not required to contain curriculum that includes implicit bias in the practice of physician assistants.

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(d) In order to satisfy the requirements of subdivision (a), continuing education courses shall address at least one or a combination of the following:

- (1) Examples of how implicit bias affects perceptions and treatment decisions of physician assistants, leading to disparities in health outcomes.
- (2) Strategies to address how unintended biases in decisionmaking may contribute to health care disparities by shaping behavior and producing differences in medical treatment along lines of race, ethnicity, gender identity, sexual orientation, age, socioeconomic status, or other characteristics.
- (e) In determining its continuing education requirements, the board shall consider including a course in maternal mental health. SEC. 4. Section 4980.54 of the Business and Professions Code is amended to read:
- 4980.54. (a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if an applicant passes those examinations, to begin practice.
- (b) In order to continuously improve the competence of licensed and registered marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees and registrants to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.
- (c) (1) Except as provided in subdivision (e), (f), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.
- (2) The board shall not renew any registration pursuant to this chapter unless the registrant certifies under penalty of perjury to the board, and on a form prescribed by the board, that they have completed not less than three hours of continuing education on the subject of California law and ethics during the preceding year.

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(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) In determining its continuing education requirements, the board shall consider including a course in maternal mental health.

<del>(e)</del>

(f) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

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- (g) The continuing education shall be obtained from one of the following sources:
- (1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
- (2) Other continuing education providers, as specified by the board by regulation.

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(h) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision—(f), (g), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(h)

- (i) Training, education, and coursework by approved providers shall incorporate one or more of the following:
- (1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.
- (2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.
- (3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

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(j) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

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- (k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.
- SEC. 5. Section 4989.34 of the Business and Professions Code is amended to read:
- 4989.34. (a) To renew a license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.
- (b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider as specified by the board by regulation.
- (2) The board shall establish, by regulation, a procedure identifying acceptable providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.
- (c) In determining its continuing education requirements, the board shall consider including a course in maternal mental health.

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- (d) Training, education, and coursework by approved providers shall incorporate one or more of the following:
- (1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.
- (2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.
- (3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.

<del>(d)</del>

(e) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing

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education coursework for a minimum of two years and shall make
these records available to the board for auditing purposes upon its
request.

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(f) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.

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- (g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.
- SEC. 6. Section 4996.22 of the Business and Professions Code is amended to read:
- 4996.22. (a) (1) Except as provided in subdivision—(e), (d), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.
- (2) The board shall not renew any license of an applicant who began graduate study before January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, the applicant completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken before the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).
- (3) The board shall not renew any registration pursuant to this chapter unless the registrant certifies under penalty of perjury to the board, and on a form prescribed by the board, that they have

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completed not less than three hours of continuing education in the subject of California law and ethics during the preceding year.

- (b) in determining its continuing education requirements, the board shall consider including a course in maternal mental health.
- (c) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

<del>(c)</del>

(d) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d)

- (e) The continuing education shall be obtained from one of the following sources:
- (1) An accredited school of social work, as defined in Section 4991.2, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
- (2) A school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or a school, college, or university that is approved by the Bureau for Private Postsecondary Education.
- (3) Another continuing education provider, as specified by the board by regulation.

<del>(e)</del>

(f) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision-(d), (e), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

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- 2 (g) Training, education, and coursework by approved providers shall incorporate one or more of the following:
  - (1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.
  - (2) Aspects of the social work discipline in which significant recent developments have occurred.
  - (3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

<del>(g</del>

(h) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

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(i) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

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- 20 (j) The board may adopt regulations as necessary to implement this section.
  - SEC. 7. Section 4999.76 of the Business and Professions Code is amended to read:
  - 4999.76. (a) (1) Except as provided in subdivision—(e), (d), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.
  - (2) The board shall not renew any registration pursuant to this chapter unless the registrant certifies under penalty of perjury to the board, and on a form prescribed by the board, that they have completed not less than three hours of continuing education in the subject of California law and ethics during the preceding year.
- 36 (b) In determining its continuing education requirements, the 37 board shall consider including a course in maternal mental health. 38 (b)
  - (c) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education

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requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

<del>(c)</del>

(d) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

<del>(d)</del>

- (e) The continuing education shall be obtained from one of the following sources:
- (1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
- (2) Other continuing education providers as specified by the board by regulation.

<del>(e)</del>

(f) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision—(d), (e), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

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- (g) Training, education, and coursework by approved providers shall incorporate one or more of the following:
- (1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.
- (2) Significant recent developments in the discipline of professional clinical counseling.
- (3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

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(h) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

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2 (i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs 5 pursuant to Section 166.

SECTION 1. Section 2191.3 is added to the Business and Professions Code, to read:

- 2191.3. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mental health to satisfy continuing education requirements.
- SEC. 2. Section 2811.7 is added to the Business and Professions 12 Code, to read:
  - 2811.7. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mental health to satisfy continuing education requirements.
  - SEC. 3. Section 2914.4 is added to the Business and Professions Code, to read:
  - 2914.4. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mentalhealth to satisfy continuing education requirements.
- 21 SEC. 4. Section 3524.6 is added to the Business and Professions 22 Code, to read:
  - 3524.6. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mental health to satisfy continuing education requirements.
  - SEC. 5. Section 4980.56 is added to the Business and Professions Code, to read:
  - 4980.56. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mental health to satisfy continuing education requirements.
- 31 SEC. 6. Section 4989.35 is added to the Business and 32 Professions Code, to read:
  - 4989.35. Notwithstanding any law to the contrary, a licensee shall have the option of taking coursework on maternal mental health to satisfy continuing education requirements.
- 36 SEC. 7. Section 4996.29 is added to the Business and 37 Professions Code, to read:
- 38 4996.29. Notwithstanding any law to the contrary, a licensee 39 shall have the option of taking coursework on maternal mental
- 40 health to satisfy continuing education requirements.

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- SEC. 8. Section 4999.77 is added to the Business and Professions Code, to read:
- 3 4999.77. Notwithstanding any law to the contrary, a licensee
- 4 shall have the option of taking coursework on maternal mental
- 5 health to satisfy continuing education requirements.

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