

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2551**

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**Introduced by Assembly Member Hernandez**  
*(Coauthor: Assembly Member Monning)*

February 19, 2010

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~~An act to amend Section 128345 of, and to add Article 6 (commencing with Section 128560) to Chapter 5 of Part 3 of Division 107 of, the Health and Safety Code, relating to pharmacy technicians. An act to add Article 3 (commencing with Section 128198.6) to Chapter 3 of Part 3 of Division 107 of the Health and Safety Code, relating to health workers, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2551, as amended, Hernandez. ~~Pharmacy technicians: scholarship and loan repayment program.~~ *Health workforce planning.*

*Existing law establishes the California Workforce Investment Board (CWIB) to assist the Governor in the development, oversight, and continuous improvement of California's workforce investment system.*

*Existing law establishes the Office of Statewide Health Planning and Development (OSHPD) that is vested with duties, powers, purposes, responsibilities, and jurisdiction relating to health planning and research development.*

*Existing law provides for various programs to research the need for, and develop programs to improve, the quality and availability of health workers in the state.*

*This bill would require the CWIB and the OSHPD to jointly establish a special committee known as the Health Workforce Development Council, as specified. The bill would require the council to take specified actions relating to the health workforce and would require the CWIB and the OSHPD to report specified information to the Legislature annually from April 1, 2012, to April 1, 2016, inclusive.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law establishes the California Pharmacist Scholarship and Loan Repayment Program, administered by the Office of Statewide Health Planning and Development, to provide for the educational expenses of pharmacy students and to repay qualifying educational loans of pharmacists who agree to serve in areas of the state where unmet priority needs exist, as specified. Existing law establishes the California Pharmacist Scholarship and Loan Repayment Program Fund in the State Treasury, which is funded by voluntary contributions made by pharmacies or pharmacists upon renewal of their license, and requires that the moneys in the fund be available for the purpose of implementing the above program, upon appropriation by the Legislature.~~

~~Existing law also authorizes the Health Professions Education Foundation to implement various loan repayment programs for nurses, mental health service providers, and physicians.~~

~~This bill would establish the California Pharmacy Technician Scholarship and Loan Repayment Program, to be administered by the Health Professions Education Foundation, to pay for educational expenses of pharmacy technician students and to repay qualifying educational loans of pharmacy technicians who agree to serve in areas of the state where unmet priority needs exist, as specified. This bill would authorize the foundation to solicit and receive funds from specified sources for the purpose of providing financial assistance through the California Pharmacy Technician Scholarship and Loan Repayment Program. This bill would require that private or public funds made available for purposes of the program to be deposited in the California Pharmacy Technician Scholarship and Loan Repayment Fund established by the bill.~~

~~The bill would require, upon accumulation of sufficient moneys in the fund to implement the program, as determined by the foundation, and upon appropriation by the Legislature, that the moneys in the fund be available for the purpose of implementing the program.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1     SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*

3     (a) *The passage of the federal health care reform bill has*  
4 *resulted in billions of dollars of investment capital flowing into*  
5 *the State of California for research, development, and the*  
6 *expansion of access to health care. This investment of capital is*  
7 *indicative of the rapidly growing need to address health workforce*  
8 *shortages.*

9     (b) *California faces a dramatic and pressing challenge related*  
10 *to the supply and distribution of health care professionals. In*  
11 *addition to the challenges present in urban areas, rural areas face*  
12 *ongoing challenges to recruitment and retention.*

13     (c) *California's population is aging, growing, and becoming*  
14 *increasingly more diverse. California's workforce of health*  
15 *professionals has not reflected these changes and is ill equipped*  
16 *to reduce new pressures on the health care system.*

17     (d) *Developing California's health workforce so that it better*  
18 *represents and serves its consumer population will help to contain*  
19 *health care costs.*

20     (e) *There exist separate private and public statewide efforts to*  
21 *address health workforce shortage issues. However, there is no*  
22 *coordinated plan of action to develop the state's health workforce.*

23     (f) *In order to prepare the highly skilled health workforce*  
24 *necessary, to keep California's economy competitive, to maintain*  
25 *the income and quality of life for California residents, and ensure*  
26 *access to high-quality and affordable health care in California,*  
27 *both of the following issues must be addressed:*

28     (1) *A comprehensive network and strategy must be established*  
29 *to develop California's health workforce.*

30     (2) *The comprehensive strategy must involve a state-level effort*  
31 *involving multiple health professions, business and labor,*  
32 *educational institutions, including primary, secondary, and*  
33 *postsecondary institutions, state government workforce boards,*  
34 *regional leadership, consumers, and other stakeholders. These*  
35 *groups should work together to forecast health workforce demand*

1 *and plan comprehensive pathways to support multiple target*  
2 *groups.*

3 *SEC. 2. Article 3 (commencing with Section 128198.6) is added*  
4 *to Chapter 3 of Part 3 of Division 107 of the Health and Safety*  
5 *Code, to read:*

6

7 *Article 3. The California Health Workforce Development Act*  
8 *of 2010*

9

10 *128198.6. This article shall be known and may be cited as the*  
11 *California Health Workforce Development Act of 2010.*

12 *128198.7. (a) The California Workforce Investment Board*  
13 *(CWIB), as established by Section 14010 of the Unemployment*  
14 *Insurance Code, and the Office of Statewide Health Planning and*  
15 *Development (OSHPD) shall jointly establish a special committee*  
16 *known as the Health Workforce Development Council comprised*  
17 *of the appropriate representatives from the CWIB existing*  
18 *membership, including the K–12 representative, the Employment*  
19 *Development Department representative, the California Community*  
20 *Colleges representative, and representatives from the OSHPD,*  
21 *the State Department of Public Health, and other appropriate*  
22 *members.*

23 *(b) The CWIB or OSHPD may call on other state agencies,*  
24 *other higher education representatives, and industry*  
25 *representatives as well as philanthropic, nongovernmental, and*  
26 *environmental groups as appropriate and necessary to serve as*  
27 *consultants to the council in the development of this strategic*  
28 *initiative.*

29 *(c) The council shall do all of the following:*

30 *(1) As part of the strategic initiative, identify and develop the*  
31 *framework, funding, strategies, programs, policies, partnerships,*  
32 *and opportunities necessary to address the growing need for a*  
33 *highly skilled and well-trained health workforce to meet the needs*  
34 *of California's health care infrastructure.*

35 *(2) Assist in identifying and linking health care job opportunities*  
36 *with health workforce development training opportunities in local*  
37 *workforce investment areas (LWIAs) and encourage regional*  
38 *collaboration among LWIAs to meet regional economic demands.*

1 (3) *Develop public, private, philanthropic, and nongovernmental*  
2 *partnerships to build and expand the state's health workforce*  
3 *development programs, network, and infrastructure.*

4 (4) *Provide policy guidance for job training programs in the*  
5 *health care sector to assist and prepare specific populations, such*  
6 *as at-risk youth, displaced workers, veterans, formerly incarcerated*  
7 *individuals, and others facing barriers to employment.*

8 (5) *Develop, collect, interpret, and distribute statewide and*  
9 *regional labor market data on California's health workforce needs,*  
10 *trends, and job growth.*

11 (6) *Identify funding resources and make recommendations on*  
12 *how to expand and leverage these funds.*

13 (7) *Foster regional collaboration in the health sector.*

14 (d) *By April 1, 2012, and each April 1 thereafter, the CWIB and*  
15 *OSHPD shall report to the Legislature on the status of the council's*  
16 *activities and its development of a health workforce strategic*  
17 *initiative.*

18 (1) *The requirement for submitting a report pursuant to this*  
19 *subdivision is inoperative on April 1, 2016, pursuant to Section*  
20 *10231.5 of the Government Code.*

21 (2) *The report to be submitted pursuant to this subdivision shall*  
22 *be submitted in compliance with Section 9795 of the Government*  
23 *Code.*

24 *SEC. 3. This act is an urgency statute necessary for the*  
25 *immediate preservation of the public peace, health, or safety within*  
26 *the meaning of Article IV of the Constitution and shall go into*  
27 *immediate effect. The facts constituting the necessity are:*

28 *In order to resolve problems related to health workforce*  
29 *shortages as soon as possible, it is necessary that this act take*  
30 *effect immediately.*

31 ~~SECTION 1. Section 128345 of the Health and Safety Code~~  
32 ~~is amended to read:~~

33 ~~128345. The Health Professions Education Foundation may~~  
34 ~~do any of the following:~~

35 ~~(a) Solicit and receive funds from business, industry,~~  
36 ~~foundations, and other private or public sources for the purpose~~  
37 ~~of providing financial assistance in the form of scholarships or~~  
38 ~~loans to African American students, Native American students,~~  
39 ~~Hispanic American students, and other students from~~  
40 ~~underrepresented groups. These funds shall be expended by the~~

1 office after transfer to the Health Professions Education Fund,  
2 created pursuant to Section 128355.

3 (b) Recommend to the director the disbursement of private  
4 sector moneys deposited in the Health Professions Education Fund  
5 to students from underrepresented groups accepted to or enrolled  
6 in schools of medicine, dentistry, nursing, or other health  
7 professions in the form of loans or scholarships.

8 (c) Recommend to the director a standard contractual agreement  
9 to be signed by the director and any participating student, that  
10 would require a period of obligated professional service in the  
11 areas in California designated by the commission as deficient in  
12 primary care services. The agreement shall include a clause  
13 entitling the state to recover the funds awarded plus the maximum  
14 allowable interest for failure to begin or complete the service  
15 obligation.

16 (d) Develop criteria for evaluating the likelihood that applicants  
17 for scholarships or loans would remain to practice their profession  
18 in designated areas deficient in primary care services.

19 (e) Develop application forms, which shall be disseminated to  
20 students from underrepresented groups interested in applying for  
21 scholarships or loans.

22 (f) Encourage private sector institutions, including hospitals,  
23 community clinics, and other health agencies to identify and  
24 provide educational experiences to students from underrepresented  
25 groups who are potential applicants to schools of medicine,  
26 dentistry, nursing, or other health professions.

27 (g) Prepare and submit an annual report to the office  
28 documenting the amount of money solicited from the private sector,  
29 the number of scholarships and loans awarded, the enrollment  
30 levels of students from underrepresented groups in schools of  
31 medicine, dentistry, nursing, and other health professions, and the  
32 projected need for scholarships and loans in the future.

33 (h) Recommend to the director that a portion of the funds  
34 solicited from the private sector be used for the administrative  
35 requirements of the foundation.

36 (i) Implement the Steven M. Thompson Physician Corps Loan  
37 Repayment Program and the Volunteer Physician Program, as  
38 provided under Article 5 (commencing with Section 128550).

39 (j) Solicit and receive funds from business, industry,  
40 foundations, and other private and public sources for the purpose

1 of providing financial assistance in the form of scholarships and  
2 loans through the California Pharmacy Technician Scholarship  
3 and Loan Repayment Program, pursuant to Article 6 (commencing  
4 with Section 128560):

5 (k) Administer the California Pharmacy Technician Scholarship  
6 and Loan Repayment Program, pursuant to Article 6 (commencing  
7 with Section 128560):

8 SEC. 2. Article 6 (commencing with Section 128560) is added  
9 to Chapter 5 of Part 3 of Division 107 of the Health and Safety  
10 Code, to read:

11  
12 Article 6. California Pharmacy Technician Scholarship and  
13 Loan Repayment Program  
14

15 128560. (a) (1) There is hereby established within the Health  
16 Professions Education Foundation the California Pharmacy  
17 Technician Scholarship and Loan Repayment Program.

18 (2) The program shall provide scholarships to pay for the  
19 educational expenses of pharmacy technician school students and  
20 to repay qualifying educational loans of pharmacy technicians who  
21 agree to participate in designated medically underserved areas as  
22 provided in this section.

23 (b) The Health Professions Education Foundation shall  
24 administer the California Pharmacy Technician Scholarship and  
25 Loan Repayment Program utilizing the same general guidelines  
26 applicable to the federal National Health Service Corps Scholarship  
27 Program established pursuant to Section 254 l of Title 42 of the  
28 United States Code and the National Health Service Corps Loan  
29 Repayment Program established pursuant to Section 254 l-1 of  
30 Title 42 of the United States Code, except as follows:

31 (1) A pharmacy technician or pharmacy technician student shall  
32 be eligible to participate in the program if he or she agrees to  
33 provide pharmacy technician services in a practice site located in  
34 an area of the state where unmet priority needs for primary care  
35 family physicians exist as determined by the Health Workforce  
36 Policy Commission.

37 (2) No matching funds shall be required from any entity in the  
38 practice site area.

39 (e) This section shall be implemented only to the extent that  
40 sufficient moneys are available in the California Pharmacy

1 Technician Scholarship and Loan Repayment Program Fund to  
2 administer the program.  
3 ~~128561. The California Pharmacy Technician Scholarship and~~  
4 ~~Loan Repayment Program Fund is hereby established in the State~~  
5 ~~Treasury. Any private or public funds made available for purposes~~  
6 ~~of the California Pharmacy Technician Scholarship and Loan~~  
7 ~~Repayment Program shall be deposited into the fund. Upon~~  
8 ~~accumulation of sufficient moneys in the fund to implement the~~  
9 ~~program, as determined by the foundation, and upon appropriation~~  
10 ~~by the Legislature, moneys in the fund shall be available for~~  
11 ~~expenditure by the Health Professions Education Foundation for~~  
12 ~~purposes of implementing the California Pharmacy Technician~~  
13 ~~Scholarship and Loan Repayment Program pursuant to this article.~~  
14 ~~The Health Professions Education Foundation shall be under no~~  
15 ~~obligation to administer a program under this article until sufficient~~  
16 ~~moneys have been accumulated in the fund and appropriated to~~  
17 ~~the foundation by the Legislature.~~

O