

AMENDED IN ASSEMBLY JUNE 17, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

SENATE BILL

No. 171

Introduced by Senator Pavley

February 14, 2009

An act to amend Sections 44839 and 44839.5 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as amended, Pavley. Certificated employees: medical certificates.

Existing law requires a school district or a county superintendent of schools to require a candidate for a position requiring certification qualifications or a retirant position, if the candidate has not previously been employed in a position requiring certification qualifications in this state or has not previously been employed as a retirant, to obtain a medical certificate showing that the candidate is free from any disabling disease making him or her unfit to instruct or associate with children. Existing law requires that the medical certificate be submitted directly to the governing board of the school district or the county superintendent of schools by a physician and surgeon licensed pursuant to specified statutes or a commissioned medical officer, as specified, following the completion of a prescribed medical examination of the candidate.

This bill, in addition, would authorize the submission of the medical certificate by a physician assistant practicing in compliance with specified statutes or a licensed advanced practice registered nurse ~~who is qualified to perform a medical examination~~ *acting pursuant to standardized procedures and protocols in compliance with specified statutory provisions.*

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

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

1 SECTION 1. Section 44839 of the Education Code is amended
2 to read:
3 44839. (a) When a school district or a county superintendent
4 of schools wishes to employ a person in a position requiring
5 certification qualifications and that person has not previously been
6 employed in a position requiring certification qualifications in this
7 state, the district or county superintendent shall require a medical
8 certificate in such form as shall be prescribed by the state board
9 showing that the applicant is free from any disabling disease
10 unfitting the applicant to instruct or associate with children. The
11 medical certificate shall be submitted directly to the governing
12 board or county superintendent by a physician and surgeon licensed
13 under the Business and Professions Code, a physician assistant
14 practicing in compliance with Chapter 7.7 (commencing with
15 Section 3500) of Division 2 of the Business and Professions Code,
16 a licensed advanced practice registered nurse ~~who is qualified to~~
17 ~~perform a medical examination~~ *acting pursuant to standardized*
18 *procedures and protocols in compliance with Chapter 6*
19 *(commencing with Section 2700) of Division 2 of the Business and*
20 *Professions Code*, or a commissioned medical officer exempted
21 from licensure pursuant to federal law. The medical examination
22 shall have been conducted not more than six months before the
23 submission of the certificate and shall be at the expense of the
24 applicant. A governing board or county superintendent may offer
25 a contract of employment to an applicant subject to the submission
26 of the required medical certificate. Notwithstanding Section 44031,
27 the medical certificate shall become a part of the personnel record
28 of the employee and shall be open to the employee or his or her
29 designee.
30 (b) The governing board of a school district or a county
31 superintendent of schools may require certificated employees to
32 undergo a periodic medical examination by a physician and surgeon
33 licensed under the Business and Professions Code, a physician
34 assistant practicing in compliance with Chapter 7.7 (commencing
35 with Section 3500) of Division 2 of the Business and Professions

1 Code, a licensed advanced practice registered nurse ~~who is~~
2 ~~qualified to perform a medical examination~~ *acting pursuant to*
3 *standardized procedures and protocols in compliance with Chapter*
4 *6 (commencing with Section 2700) of Division 2 of the Business*
5 *and Professions Code*, or a commissioned medical officer
6 exempted from licensure pursuant to federal law, to determine that
7 the employee is free from any communicable disease unfitting the
8 applicant to instruct or associate with children. The periodic
9 medical examination shall be at the expense of the school district
10 or county superintendent. The medical certificate shall become a
11 part of the personnel record of the employee and shall be open to
12 the employee or his or her designee.

13 (c) The state board shall adopt rules and regulations relating to
14 the implementation and administration of this section.

15 SEC. 2. Section 44839.5 of the Education Code is amended to
16 read:

17 44839.5. (a) When a school district or county superintendent
18 of schools wishes to employ a retirant who is retired for service,
19 and such person has not been previously employed as a retirant,
20 such district or county superintendent shall require, as a condition
21 of initial employment as a retirant, a medical certificate in such
22 form as shall be prescribed by the state board showing that the
23 retirant is free from any disabling disease unfitting him or her to
24 instruct or associate with children. The medical certificate shall
25 be completed and submitted directly to the school district or county
26 superintendent by a physician and surgeon licensed under the
27 Business and Professions Code, a physician assistant practicing
28 in compliance with Chapter 7.7 (commencing with Section 3500)
29 of Division 2 of the Business and Professions Code, a licensed
30 advanced practice registered nurse ~~who is qualified to perform a~~
31 ~~medical examination~~ *acting pursuant to standardized procedures*
32 *and protocols in compliance with Chapter 6 (commencing with*
33 *Section 2700) of Division 2 of the Business and Professions Code*,
34 or a commissioned medical officer exempted from licensure
35 pursuant to federal law. A medical examination as prescribed by
36 the State Board of Education shall be required for the completion
37 of the medical certificate. Such examination shall be conducted
38 not more than six months before the completion and submission
39 of the certificate and shall be at the expense of the retirant.
40 Notwithstanding Section 44031, the medical certificate shall

1 become a part of the personnel record of the employee and shall
2 be open to the employee or his or her designee.

3 (b) The school district or county superintendent of schools which
4 initially employed the retirant, or any school district or county
5 superintendent which subsequently employs the retirant, may
6 require a periodic medical examination by a physician and surgeon
7 licensed under the Business and Professions Code, a physician
8 assistant practicing in compliance with Chapter 7.7 (commencing
9 with Section 3500) of Division 2 of the Business and Professions
10 Code, a licensed advanced practice registered nurse ~~who is~~
11 ~~qualified to perform a medical examination acting pursuant to~~
12 ~~standardized procedures and protocols in compliance with Chapter~~
13 ~~6 (commencing with Section 2700) of Division 2 of the Business~~
14 ~~and Professions Code~~, or a commissioned medical officer
15 exempted from licensure pursuant to federal law, to determine that
16 the retirant is free from any communicable disease unfitting him
17 or her to instruct or associate with children. The periodic medical
18 examination shall be at the expense of the school district or county
19 superintendent. The medical certificate shall become a part of the
20 personnel record of the retirant and shall be open to the retirant or
21 his or her designee.

22 (c) The state board shall adopt rules and regulations relating to
23 the implementation and administration of this section.