

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 774

Introduced by Senator Ashburn

February 27, 2009

~~An act relating to nurse practitioners.~~ *An act to add Chapter 3.5 (commencing with Section 16250) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to children's services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 774, as amended, Ashburn. ~~Nurse practitioners.~~ *Social workers: background checks.*

Existing law requires the counties, with the assistance of the State Department of Social Services, to provide child welfare services, including emergency response, foster care placement, adoption services, and family maintenance and reunification.

This bill would require a county, before hiring an applicant for a position as a county child protective service social worker who will be assigned emergency response, family maintenance, family reunification, permanent placement, or adoption responsibilities, to secure from an appropriate law enforcement agency a criminal record to determine if the applicant has ever been convicted of a crime other than a minor traffic violation or arrested for specified crimes. The bill would prohibit the county from employing the applicant under prescribed circumstances. The bill would allow the county to require the applicant to pay any fees charged by the law enforcement agency for the processing of the criminal background check and would prohibit the county from hiring a person who had been convicted of a crime, other than a minor traffic violation.

Because this bill would require the counties to take additional steps to hire social workers, it would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Nursing Practice Act, provides for the certification and regulation of nurse practitioners and nurse-midwives by the Board of Registered Nursing and specifies requirements for qualification or certification as a nurse practitioner. Under the act, the practice of nursing is defined, in part, as providing direct and indirect patient care services, as specified. The practice of nursing is also described as the implementation, based on observed abnormalities, of standardized procedures, defined as policies and protocols developed by specified facilities in collaboration with administrators and health professionals, including physicians and surgeons and nurses.~~

~~This bill would provide that it is the intent of the Legislature to enact legislation to define the scope of practice for nurse practitioners.~~

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

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

1 SECTION 1. Chapter 3.5 (commencing with Section 16250)
2 is added to Part 4 of Division 9 of the Welfare and Institutions
3 Code, to read:

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5 CHAPTER 3.5. CHILD WELFARE EMPLOYEES

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7 16250. (a) Before hiring a person for a position as a county
8 child protective service social worker who will be assigned
9 emergency response, family maintenance, family reunification,
10 permanent placement, or adoption responsibilities, the county
11 shall secure from an appropriate law enforcement agency a
12 criminal record to determine if the applicant has ever been
13 convicted of a crime, other than a minor traffic violation, or
14 arrested for any crime specified in subdivision (c) of Section 290,
15 or for violating Section 245 or 273.5, subdivision (b) of Section

1 273a, or, prior to January 1, 1994, paragraph (2) of Section 273a,
2 of the Penal Code. The criminal history information shall include
3 the applicant's full criminal record, if any, and subsequent arrest
4 information pursuant to Section 11105.2 of the Penal Code.

5 (b) The county may require the applicant to pay any fees
6 charged by the law enforcement agency for the processing of the
7 criminal background check.

8 16251. (a) If the county finds, through the criminal background
9 check required by Section 16250, that the applicant has been
10 convicted of a crime, other than a minor traffic violation, the
11 applicant shall not be hired.

12 (b) If the county finds that the applicant is awaiting trial for a
13 crime, other than a minor traffic violation, the county may cease
14 processing the application until the conclusion of the trial.

15 (c) If the county determines, after hiring an applicant, that the
16 person has been convicted of a crime other than a minor traffic
17 violation, the county shall terminate the employee.

18 16252. For purposes of this chapter, "conviction" means a
19 plea or verdict of guilty or a conviction following a plea of nolo
20 contendere in any court in this or another state. A conviction has
21 occurred when the time for appeal has elapsed, when the judgment
22 of conviction has been affirmed on appeal, or when an order
23 granting probation is made suspending the imposition of sentence,
24 notwithstanding a subsequent order pursuant to Sections 1203.4
25 and 1203.4a of the Penal Code permitting the person to withdraw
26 his or her plea of guilty and to enter a plea of not guilty, or setting
27 aside the verdict of guilty, or dismissing the accusation,
28 information, or indictment.

29 16253. An applicant who is denied a position pursuant to
30 Section 16251 shall be entitled to receive a copy of the criminal
31 record report upon written request.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 a local agency or school district has the authority to levy service
35 charges, fees, or assessments sufficient to pay for the program or
36 level of service mandated by this act, within the meaning of Section
37 17556 of the Government Code.

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation to define the scope of practice for nurse practitioners~~
3 ~~in the State of California.~~

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