

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 367

Introduced by Assembly Member Smyth

February 14, 2011

~~An act to add Section 15631.5 to the Welfare and Institutions Code, relating to elder abuse. An act to amend, repeal, and add Section 683 of the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 367, as amended, Smyth. ~~Elder abuse: reporting. Board of Behavioral Sciences: reporting.~~

Under existing law, the Board of Behavioral Sciences is responsible for the licensure and regulation of marriage and family therapists, licensed educational psychologists, clinical social workers, and licensed professional clinical counselors. Existing law requires certain healing arts boards to report to the State Department of Health Care Services specified licensure information relating to any person whose license has been revoked, suspended, surrendered, or made inactive by the licensee in order to prevent state reimbursement for services provided after the cancellation of a license.

This bill would, on and after July 1, 2013, make that reporting requirement applicable to the Board of Behavioral Sciences.

~~The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse, and the failure of a mandated reporter to report physical abuse and financial abuse of an elder or dependent adult under~~

~~the act is a misdemeanor. The act requires the mandated reporter to report the abuse to the adult protective services agency or the local law enforcement agency if the abuse occurs anywhere other than a long-term facility.~~

~~The act permits a person who is not a mandated reporter who knows, or reasonably suspects, that an elder or dependent adult has been the victim of abuse in a place other than a long-term care facility to report that abuse to the county adult protective services agency or the local law enforcement agency.~~

~~This bill would require a county adult protective services agency or a local law enforcement agency to accept a report by a mandated reporter, or any other person, of suspected elder or dependent adult abuse even if the agency lacks jurisdiction to investigate the report, unless the call can be immediately transferred to an agency with proper jurisdiction. This bill would also require a county adult protective services agency or a local law enforcement agency that lacks jurisdiction to immediately refer the report of suspected abuse by telephone, facsimile, or electronic transmission to an agency with proper jurisdiction. By requiring county adult protective services agencies and local law enforcement agencies to provide a higher level of service, this bill 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 SECTION 1. Section 683 of the Business and Professions Code
2 is amended to read:

3 683. (a) A board shall report, within 10 working days, to the
4 State Department of Health Care Services the name and license
5 number of a person whose license has been revoked, suspended,
6 surrendered, made inactive by the licensee, or placed in another
7 category that prohibits the licensee from practicing his or her

1 profession. The purpose of the reporting requirement is to prevent
2 reimbursement by the state for Medi-Cal and Denti-Cal services
3 provided after the cancellation of a provider’s professional license.

4 (b) “Board,” as used in this section, means the Dental Board of
5 California, the Medical Board of California, the Board of
6 Psychology, the State Board of Optometry, the California State
7 Board of Pharmacy, the Osteopathic Medical Board of California,
8 the State Board of Chiropractic Examiners, and the California
9 Board of Occupational Therapy.

10 (c) *This section shall become inoperative on July 1, 2013, and,*
11 *as of January 1, 2014, is repealed, unless a later enacted statute*
12 *that is enacted before January 1, 2014, deletes or extends the dates*
13 *on which it becomes inoperative and is repealed.*

14 SEC. 2. Section 683 is added to the Business and Professions
15 Code, to read:

16 683. (a) A board shall report, within 10 working days, to the
17 State Department of Health Care Services the name and license
18 number of a person whose license has been revoked, suspended,
19 surrendered, made inactive by the licensee, or placed in another
20 category that prohibits the licensee from practicing his or her
21 profession. The purpose of the reporting requirement is to prevent
22 reimbursement by the state for Medi-Cal and Denti-Cal services
23 provided after the cancellation of a provider’s professional license.

24 (b) “Board,” as used in this section, means the Dental Board
25 of California, the Medical Board of California, the Board of
26 Psychology, the State Board of Optometry, the California State
27 Board of Pharmacy, the Osteopathic Medical Board of California,
28 the State Board of Chiropractic Examiners, the Board of
29 Behavioral Sciences, and the California Board of Occupational
30 Therapy.

31 (c) *This section shall become operative on July 1, 2013.*

32 SECTION 1. ~~Section 15631.5 is added to the Welfare and~~
33 ~~Institutions Code, to read:~~

34 ~~15631.5. Reports of suspected elder or dependent adult abuse~~
35 ~~pursuant to either subparagraph (C) of paragraph (1) of subdivision~~
36 ~~(b) of Section 15630 or subdivision (b) of Section 15631 may be~~
37 ~~made to any county adult protective services agency or local law~~
38 ~~enforcement agency. Any county adult protective services agency~~
39 ~~or local law enforcement agency shall accept the report of~~
40 ~~suspected elder or dependent adult abuse even if the agency to~~

1 whom the report is being made lacks subject matter or geographical
2 jurisdiction to investigate the reported case, unless the county adult
3 protective services agency or the local law enforcement agency
4 can immediately transfer the call reporting suspected elder or
5 dependent adult abuse to a county adult protective services agency
6 or a local law enforcement agency with proper jurisdiction. If a
7 county adult protective services agency or a local law enforcement
8 agency accepts a report about a case of suspected elder or
9 dependent adult abuse in which that agency lacks jurisdiction, the
10 agency shall immediately refer the case by telephone, facsimile,
11 or electronic transmission to a county adult protective services
12 agency or a local law enforcement agency with proper jurisdiction.

13 ~~SEC. 2. If the Commission on State Mandates determines that~~
14 ~~this act contains costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code.~~