

**ASSEMBLY BILL**

**No. 774**

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**Introduced by Assembly Member Campos**

February 17, 2011

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An act to amend Section 1277 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 774, as introduced, Campos. Health facilities: licensure.

Existing law provides for the licensure of health facilities by the State Department of Public Health. Existing law requires that the licensure requirements for professional personnel, including psychologists, clinical social workers, and marriage and family therapists, among others, in state and other governmental health facilities, be not less than for those in privately owned health facilities. The department may grant a waiver from licensure requirements for persons employed in publicly operated health facilities who are gaining qualifying experience for licensure. The waiver cannot exceed 3 years from the commencement of employment in the state in the case of psychologists or 4 years for marriage and family therapists or clinical social workers, with one additional year to be granted to marriage and family therapists or clinical social workers under extenuating circumstances. Existing law requires the department to grant the extension of a waiver for extenuating circumstances if specified conditions are met.

This bill would require any other department that employs a marriage and family therapist or a clinical social worker, including a marriage and family therapist or clinical social worker recruited from outside this state, to grant the extension of a waiver for extenuating circumstances if the above-described conditions are met.

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 1277 of the Health and Safety Code is  
2 amended to read:  
3 1277. (a) No license shall be issued by the state department  
4 unless it finds that the premises, the management, the bylaws, rules  
5 and regulations, the equipment, the staffing, both professional and  
6 nonprofessional, and the standards of care and services are adequate  
7 and appropriate, and that the health facility is operated in the  
8 manner required by this chapter and by the rules and regulations  
9 adopted hereunder.

10 (b) Notwithstanding any provision of Part 2 (commencing with  
11 Section 5600) of Division 5 of, or Division 7 (commencing with  
12 Section 7100) of, the Welfare and Institutions Code or any other  
13 law to the contrary, except Sections 2072 and 2073 of the Business  
14 and Professions Code, the licensure requirements for professional  
15 personnel, including, but not limited to, physicians and surgeons,  
16 dentists, podiatrists, psychologists, marriage and family therapists,  
17 pharmacists, registered nurses, and clinical social workers in the  
18 state and other governmental health facilities licensed by the state  
19 department shall not be less than for those professional personnel  
20 in health facilities under private ownership. Persons employed as  
21 psychologists and clinical social workers, while continuing in their  
22 employment in the same class as of January 1, 1979, in the same  
23 state or other governmental health facility licensed by the state  
24 department, including those persons on authorized leave, but not  
25 including intermittent personnel, shall be exempt from the  
26 requirements of this subdivision. Additionally, the requirements  
27 of this subdivision may be waived by the state department solely  
28 for persons in the professions of psychology, marriage and family  
29 therapy or clinical social work who are gaining qualifying  
30 experience for licensure in such profession in this state. A waiver  
31 granted pursuant to this subdivision shall not exceed three years  
32 from the date the employment commences in this state in the case  
33 of psychologists, or four years from commencement of the  
34 employment in this state in the case of marriage and family  
35 therapists and clinical social workers, at which time licensure shall

1 have been obtained or the employment shall be terminated except  
2 that an extension of a waiver of licensure for marriage and family  
3 therapists and clinical social workers may be granted for one  
4 additional year, based on extenuating circumstances determined  
5 by the department pursuant to subdivision (e). For persons  
6 employed as psychologists, clinical social workers, or marriage  
7 and family therapists less than full time, an extension of a waiver  
8 of licensure may be granted for additional years proportional to  
9 the extent of part-time employment, as long as the person is  
10 employed without interruption in service, but in no case shall the  
11 waiver of licensure exceed six years in the case of clinical social  
12 workers and marriage and family therapists or five years in the  
13 case of psychologists. However, this durational limitation upon  
14 waivers shall not apply to active candidates for a doctoral degree  
15 in social work, social welfare, or social science, who are enrolled  
16 at an accredited university, college, or professional school, but  
17 these limitations shall apply following completion of this training.  
18 Additionally, this durational limitation upon waivers shall not  
19 apply to active candidates for a doctoral degree in marriage and  
20 family therapy who are enrolled at a school, college, or university,  
21 specified in subdivision (b) of Section 4980.36 of, or subdivision  
22 (b) of Section 4980.37 of, the Business and Professions Code, but  
23 the limitations shall apply following completion of the training.  
24 A waiver pursuant to this subdivision shall be granted only to the  
25 extent necessary to qualify for licensure, except that personnel  
26 recruited for employment from outside this state and whose  
27 experience is sufficient to gain admission to a licensing  
28 examination shall nevertheless have one year from the date of their  
29 employment in California to become licensed, at which time  
30 licensure shall have been obtained or the employment shall be  
31 terminated, provided that the employee shall take the licensure  
32 examination at the earliest possible date after the date of his or her  
33 employment, and if the employee does not pass the examination  
34 at that time, he or she shall have a second opportunity to pass the  
35 next possible examination, subject to the one-year limit for  
36 marriage and family therapists and clinical social workers, and  
37 subject to a two-year limit for psychologists.

38 (c) A special permit shall be issued by the state department  
39 when it finds that the staff, both professional and nonprofessional,  
40 and the standards of care and services are adequate and appropriate,

1 and that the special services unit is operated in the manner required  
2 in this chapter and by the rules and regulations adopted hereunder.

3 (d) The state department shall apply the same standards to state  
4 and other governmental health facilities that it licenses as it applies  
5 to health facilities in private ownership, including standards  
6 specifying the level of training and supervision of all unlicensed  
7 practitioners. Except for psychologists, the department may grant  
8 an extension of a waiver of licensure for personnel recruited from  
9 outside this state for one additional year, based upon extenuating  
10 circumstances as determined by the department pursuant to  
11 subdivision (e).

12 (e) The department, *or any other state department that employs*  
13 *a marriage and family therapist or a clinical social worker,*  
14 *including a marriage and family therapist or clinical social worker*  
15 *recruited from outside this state,* shall grant a request for an  
16 extension of a waiver based on extenuating circumstances, pursuant  
17 to subdivisions (b) and (d), if any of the following circumstances  
18 exist:

19 (1) The person requesting the extension has experienced a  
20 recent catastrophic event which may impair the person's ability  
21 to qualify for and pass the license examination. Those events may  
22 include, but are not limited to, significant hardship caused by a  
23 natural disaster, serious and prolonged illness of the person, serious  
24 and prolonged illness or death of a child, spouse, or parent, or other  
25 stressful circumstances.

26 (2) The person requesting the extension has difficulty speaking  
27 or writing the English language, or other cultural and ethnic factors  
28 exist which substantially impair the person's ability to qualify for  
29 and pass the license examination.

30 (3) The person requesting the extension has experienced other  
31 personal hardship which the department, in its discretion,  
32 determines to warrant the extension.