

AMENDED IN SENATE APRIL 4, 2011

SENATE BILL

No. 747

Introduced by Senator Kehoe

February 18, 2011

An act to amend Sections 2190.1, 2811.5, 2892.5, 2915, 3524.5, 4517, 4980.54, and 4996.22 of, *and to add Section 2070.5 to*, the Business and Professions Code, *and to amend Section 1337.3 of the Health and Safety Code*, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Kehoe. Continuing education: lesbian, gay, bisexual, and transgender patients.

Existing law provides for licensing and regulation of various healing arts professions and generally requires licensees to complete continuing education courses in order to remain eligible to renew their licenses or certifications. *Existing law imposes various training requirements for certified nurse assistants regulated by the State Department of Public Health.*

This bill would require physicians and surgeons, *physician assistants*, registered nurses, ~~certified~~ *licensed* vocational nurses, *nurse practitioners*, psychologists, marriage and family therapists, licensed clinical social workers, ~~and~~ psychiatric technicians, *medical assistants*, *and certified nurse assistants* to complete at least one course of 2 to 5 hours in duration that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons, as specified. The bill would require the applicable licensing ~~board~~ *or certifying entity* to enforce these requirements. *The new requirements would become effective on January 1, 2013.*

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 2070.5 is added to the Business and*
 2 *Professions Code, to read:*

3 *2070.5. On and after January 1, 2013, the board shall require*
 4 *all medical assistants to take at least one training course that*
 5 *provides instruction on cultural competency, sensitivity, and best*
 6 *practices for providing adequate care to lesbian, gay, bisexual,*
 7 *and transgender persons. The course shall be between two and*
 8 *five hours in duration and shall contain content similar to the*
 9 *content described in the publication of the Gay and Lesbian*
 10 *Medical Association entitled "Guidelines for Care of Lesbian,*
 11 *Gay, Bisexual and Transgender Patients." The board may specify*
 12 *the required contents of the course by regulation consistent with*
 13 *this section. The board shall enforce this requirement in the same*
 14 *manner as it enforces other requirements applicable to medical*
 15 *assistants.*

16 ~~SECTION 1.~~

17 *SEC. 2. Section 2190.1 of the Business and Professions Code*
 18 *is amended to read:*

19 2190.1. (a) The continuing medical education standards of
 20 Section 2190 may be met by educational activities that meet the
 21 standards of the board and serve to maintain, develop, or increase
 22 the knowledge, skills, and professional performance that a
 23 physician and surgeon uses to provide care, or improve the quality
 24 of care provided for patients, including, but not limited to,
 25 educational activities that meet any of the following criteria:

26 (1) Have a scientific or clinical content with a direct bearing on
 27 the quality or cost-effective provision of patient care, community
 28 or public health, or preventive medicine.

29 (2) Concern quality assurance or improvement, risk
 30 management, health facility standards, or the legal aspects of
 31 clinical medicine.

32 (3) Concern bioethics or professional ethics.

33 (4) Are designed to improve the physician-patient relationship.

1 (b) (1) On and after July 1, 2006, all continuing medical
2 education courses shall contain curriculum that includes cultural
3 and linguistic competency in the practice of medicine.

4 (2) Notwithstanding the provisions of paragraph (1), a
5 continuing medical education course dedicated solely to research
6 or other issues that does not include a direct patient care component
7 and a course offered by a continuing medical education provider
8 that is not located in this state are not required to contain
9 curriculum that includes cultural and linguistic competency in the
10 practice of medicine.

11 (3) Associations that accredit continuing medical education
12 courses shall develop standards before July 1, 2006, for compliance
13 with the requirements of paragraph (1). The associations may
14 develop these standards in conjunction with an advisory group that
15 has expertise in cultural and linguistic competency issues.

16 (4) A physician and surgeon who completes a continuing
17 education course meeting the standards developed pursuant to
18 paragraph (3) satisfies the continuing education requirement for
19 cultural and linguistic competency.

20 (c) In order to satisfy the requirements of subdivision (b),
21 continuing medical education courses shall address at least one or
22 a combination of the following:

23 (1) Cultural competency. For the purposes of this section,
24 “cultural competency” means a set of integrated attitudes,
25 knowledge, and skills that enables a health care professional or
26 organization to care effectively for patients from diverse cultures,
27 groups, and communities. At a minimum, cultural competency is
28 recommended to include the following:

29 (A) Applying linguistic skills to communicate effectively with
30 the target population.

31 (B) Utilizing cultural information to establish therapeutic
32 relationships.

33 (C) Eliciting and incorporating pertinent cultural data in
34 diagnosis and treatment.

35 (D) Understanding and applying cultural and ethnic data to the
36 process of clinical care.

37 (2) Linguistic competency. For the purposes of this section,
38 “linguistic competency” means the ability of a physician and
39 surgeon to provide patients who do not speak English or who have

1 limited ability to speak English, direct communication in the
2 patient's primary language.

3 (3) A review and explanation of relevant federal and state laws
4 and regulations regarding linguistic access, including, but not
5 limited to, the federal Civil Rights Act (42 U.S.C. Sec. 1981, et
6 seq.), Executive Order 13166 of August 11, 2000, of the President
7 of the United States, and the Dymally-Alatorre Bilingual Services
8 Act (Chapter 17.5 (commencing with Section 7290) of Division
9 7 of Title 1 of the Government Code).

10 (d) On and after January 1, ~~2012~~ 2013, the board shall require
11 all of its licensees *under this chapter* to take at least one continuing
12 education course that provides instruction on cultural competency,
13 sensitivity, and best practices for providing adequate care to
14 lesbian, gay, bisexual, and transgender persons. Persons licensed
15 by the board before January 1, ~~2012~~ 2013, shall complete the
16 course no later January 1, ~~2016~~ 2017. Persons who are newly
17 licensed by the board on and after January 1, ~~2012~~ 2013, shall
18 complete the course within four years of their initial license
19 issuance date or their second license renewal date, whichever
20 occurs first. The course shall be between two and five hours in
21 duration and shall contain content similar to the content described
22 in the publication of the Gay and Lesbian Medical Association
23 entitled "Guidelines for Care of Lesbian, Gay, Bisexual and
24 Transgender Patients." The board may specify the required contents
25 of the course by regulation consistent with this subdivision. The
26 board shall enforce this requirement in the same manner as it
27 enforces other required continuing education requirements.

28 (e) Notwithstanding subdivision (a), educational activities that
29 are not directed toward the practice of medicine, or are directed
30 primarily toward the business aspects of medical practice,
31 including, but not limited to, medical office management, billing
32 and coding, and marketing shall not be deemed to meet the
33 continuing medical education standards for licensed physicians
34 and surgeons.

35 (f) Educational activities that meet the content standards set
36 forth in this section and are accredited by the California Medical
37 Association or the Accreditation Council for Continuing Medical
38 Education may be deemed by the Division of Licensing to meet
39 its continuing medical education standards.

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 2811.5 of the Business and Professions Code
3 is amended to read:

4 2811.5. (a) Each person renewing his or her license under
5 Section 2811 shall submit proof satisfactory to the board that,
6 during the preceding two-year period, he or she has been informed
7 of the developments in the registered nurse field or in any special
8 area of practice engaged in by the licensee, occurring since the
9 last renewal thereof, either by pursuing a course or courses of
10 continuing education in the registered nurse field or relevant to
11 the practice of the licensee, and approved by the board, or by other
12 means deemed equivalent by the board.

13 (b) For purposes of this section, the board shall, by regulation,
14 establish standards for continuing education. The standards shall
15 be established in a manner to assure that a variety of alternative
16 forms of continuing education are available to licensees, including,
17 but not limited to, academic studies, in-service education, institutes,
18 seminars, lectures, conferences, workshops, extension studies, and
19 home study programs. The standards shall take cognizance of
20 specialized areas of practice. The continuing education standards
21 established by the board shall not exceed 30 hours of direct
22 participation in a course or courses approved by the board, or its
23 equivalent in the units of measure adopted by the board.

24 (c) The board shall encourage continuing education in spousal
25 or partner abuse detection and treatment. In the event the board
26 establishes a requirement for continuing education coursework in
27 spousal or partner abuse detection or treatment, that requirement
28 shall be met by each licensee within no more than four years from
29 the date the requirement is imposed.

30 (d) In establishing standards for continuing education, the board
31 shall consider including a course in the special care needs of
32 individuals and their families facing end-of-life issues, including,
33 but not limited to, all of the following:

- 34 (1) Pain and symptom management.
- 35 (2) The psycho-social dynamics of death.
- 36 (3) Dying and bereavement.
- 37 (4) Hospice care.

38 (e) In establishing standards for continuing education, the board
39 may include a course on pain management.

1 (f) This section shall not apply to licensees during the first two
2 years immediately following their initial licensure in California
3 or any other governmental jurisdiction.

4 (g) On and after January 1, ~~2012~~ 2013, the board shall require
5 all of its licensees to take at least one continuing education course
6 that provides instruction on cultural competency, sensitivity, and
7 best practices for providing adequate care to lesbian, gay, bisexual,
8 and transgender persons. Persons licensed by the board before
9 January 1, ~~2012~~ 2013, shall complete the course no later January
10 1, ~~2016~~ 2017. Persons who are newly licensed by the board on and
11 after January 1, ~~2012~~ 2013, shall complete the course within four
12 years of their initial license issuance date or their second license
13 renewal date, whichever occurs first. The course shall be between
14 two and five hours in duration and shall contain content similar to
15 the content described in the publication of the Gay and Lesbian
16 Medical Association entitled “Guidelines for Care of Lesbian,
17 Gay, Bisexual and Transgender Patients.” The board may specify
18 the required contents of the course by regulation consistent with
19 this subdivision. The board shall enforce this requirement in the
20 same manner as it enforces other required continuing education
21 requirements.

22 (h) The board may, in accordance with the intent of this section,
23 make exceptions from continuing education requirements for
24 licensees residing in another state or country, or for reasons of
25 health, military service, or other good cause.

26 (i) *This section shall apply to all persons licensed under this*
27 *chapter, including nurse practitioners.*

28 ~~SEC. 3.~~

29 *SEC. 4.* Section 2892.5 of the Business and Professions Code
30 is amended to read:

31 2892.5. (a) Each person renewing his or her license under the
32 provisions of this chapter shall submit proof satisfactory to the
33 board that, during the preceding two-year period, he or she has
34 informed himself or herself of developments in the vocational
35 nurse field or in any special area of vocational nurse practice,
36 occurring since the issuance of his or her certificate, or the last
37 renewal thereof, whichever last occurred, either by pursuing a
38 course or courses of continuing education approved by the board
39 in the vocational nurse field or relevant to the practice of such

1 licensee, and approved by the board; or by other means deemed
2 equivalent by the board.

3 (b) For purposes of this section, the board shall, by regulation,
4 establish standards for continuing education. The standards shall
5 be established in a manner to assure that a variety of alternative
6 forms of continuing education are available to licensees including,
7 but not limited to, academic studies, in-service education, institutes,
8 seminars, lectures, conferences, workshops, extension studies, and
9 home study programs. The standards shall take cognizance of
10 specialized areas of practice. The continuing education standards
11 established by the board shall not exceed 30 hours of direct
12 participation in a course or courses approved by the board, or its
13 equivalent in the units of measure adopted by the board.

14 (c) This section shall not apply to the first license renewal
15 following the initial issuance of a license.

16 (d) On and after January 1, ~~2012~~ 2013, the board shall require
17 all of its licensees to take at least one continuing education course
18 that provides instruction on cultural competency, sensitivity, and
19 best practices for providing adequate care to lesbian, gay, bisexual,
20 and transgender persons. Persons licensed by the board before
21 January 1, ~~2012~~ 2013, shall complete the course no later January
22 1, ~~2016~~ 2017. Persons who are newly licensed by the board on and
23 after January 1, ~~2012~~ 2013, shall complete the course within four
24 years of their initial license issuance date or their second license
25 renewal date, whichever occurs first. The course shall be between
26 two and five hours in duration and shall contain content similar to
27 the content described in the publication of the Gay and Lesbian
28 Medical Association entitled “Guidelines for Care of Lesbian,
29 Gay, Bisexual and Transgender Patients.” The board may specify
30 the required contents of the course by regulation consistent with
31 this subdivision. The board shall enforce this requirement in the
32 same manner as it enforces other required continuing education
33 requirements.

34 (e) The board may, in accordance with the intent of this section,
35 make exceptions from continuing education for licensees residing
36 in another state or country, or for reasons of health, military service,
37 or other good cause.

38 ~~SEC. 4.~~

39 *SEC. 5.* Section 2915 of the Business and Professions Code is
40 amended to read:

1 2915. (a) Except as provided in this section, on or after January
2 1, 1996, the board shall not issue any renewal license unless the
3 applicant submits proof that he or she has completed no less than
4 18 hours of approved continuing education in the preceding year.
5 On or after January 1, 1997, except as provided in this section, the
6 board shall issue renewal licenses only to those applicants who
7 have completed 36 hours of approved continuing education in the
8 preceding two years.

9 (b) Each person renewing his or her license issued pursuant to
10 this chapter shall submit proof of compliance with this section to
11 the board. False statements submitted pursuant to this section shall
12 be a violation of Section 2970.

13 (c) A person applying for relicensure or for reinstatement to an
14 active license status shall certify under penalty of perjury that he
15 or she is in compliance with this section.

16 (d) (1) The continuing education requirement shall include, but
17 shall not be limited to, courses required pursuant to Sections 25
18 and 28. The requirement may include courses pursuant to Sections
19 32 and 2914.1.

20 (2) (A) The board shall require a licensed psychologist who
21 began graduate study prior to January 1, 2004, to take a continuing
22 education course during his or her first renewal period after the
23 operative date of this section in spousal or partner abuse
24 assessment, detection, and intervention strategies, including
25 community resources, cultural factors, and same gender abuse
26 dynamics. Equivalent courses in spousal or partner abuse
27 assessment, detection, and intervention strategies taken prior to
28 the operative date of this section or proof of equivalent teaching
29 or practice experience may be submitted to the board and at its
30 discretion, may be accepted in satisfaction of this requirement.

31 (B) Continuing education courses taken pursuant to this
32 paragraph shall be applied to the 36 hours of approved continuing
33 education required under subdivision (a).

34 (C) A licensed psychologist whose practice does not include
35 the direct provision of mental health services may apply to the
36 board for an exemption from the requirements of this paragraph.

37 (3) Continuing education instruction approved to meet the
38 requirements of this section shall be completed within the State
39 of California, or shall be approved for continuing education credit

1 by the American Psychological Association or its equivalent as
2 approved by the board.

3 (e) The board may establish a policy for exceptions from the
4 continuing education requirement of this section.

5 (f) The board may recognize continuing education courses that
6 have been approved by one or more private nonprofit organizations
7 that have at least 10 years' experience managing continuing
8 education programs for psychologists on a statewide basis,
9 including, but not limited to:

10 (1) Maintaining and managing related records and data.

11 (2) Monitoring and approving courses.

12 (g) The board shall adopt regulations as necessary for
13 implementation of this section.

14 (h) A licensed psychologist shall choose continuing education
15 instruction that is related to the assessment, diagnosis, and
16 intervention for the client population being served or to the fields
17 of psychology in which the psychologist intends to provide
18 services, that may include new theoretical approaches, research,
19 and applied techniques. Continuing education instruction shall
20 include required courses specified in subdivision (d).

21 (i) A psychologist shall not practice outside his or her particular
22 field or fields of competence as established by his or her education,
23 training, continuing education, and experience.

24 (j) On and after January 1, ~~2012~~ 2013, the board shall require
25 every person licensed under this chapter to take at least one
26 continuing education course that provides instruction on cultural
27 competency, sensitivity, and best practices for providing adequate
28 care to lesbian, gay, bisexual, and transgender persons. Persons
29 licensed by the board before January 1, ~~2012~~ 2013, shall complete
30 the course no later January 1, ~~2016~~ 2017. Persons who are newly
31 licensed by the board under this chapter on and after January 1,
32 ~~2012~~ 2013, shall complete the course within four years of their
33 initial license issuance date or their second license renewal date,
34 whichever occurs first. The course shall be between two and five
35 hours in duration and shall contain content similar to the content
36 described in the publication of the Gay and Lesbian Medical
37 Association entitled "Guidelines for Care of Lesbian, Gay, Bisexual
38 and Transgender Patients." The board may specify the required
39 contents of the course by regulation consistent with this
40 subdivision. The board shall enforce this requirement in the same

1 manner as it enforces other required continuing education
2 requirements.

3 (k) The administration of this section may be funded through
4 professional license fees and continuing education provider and
5 course approval fees, or both. The fees related to the administration
6 of this section shall not exceed the costs of administering the
7 corresponding provisions of this section.

8 (l) Continuing education credit may be approved for those
9 licensees who serve as commissioners on any examination pursuant
10 to Section 2947, subject to limitations established by the board.

11 *SEC. 6. Section 3524.5 of the Business and Professions Code*
12 *is amended to read:*

13 3524.5. (a) The committee may require a licensee to complete
14 continuing education as a condition of license renewal under
15 Section 3523 or 3524. The committee shall not require more than
16 50 hours of continuing education every two years. The committee
17 shall, as it deems appropriate, accept certification by the National
18 Commission on Certification of Physician Assistants (NCCPA),
19 or another qualified certifying body, as determined by the
20 committee, as evidence of compliance with continuing education
21 requirements.

22 (b) *On and after January 1, 2013, the board shall require all*
23 *of its licensees under this chapter to take at least one continuing*
24 *education course that provides instruction on cultural competency,*
25 *sensitivity, and best practices for providing adequate care to*
26 *lesbian, gay, bisexual, and transgender persons. Persons licensed*
27 *by the board before January 1, 2013, shall complete the course*
28 *no later January 1, 2017. Persons who are newly licensed by the*
29 *board on and after January 1, 2013, shall complete the course*
30 *within four years of their initial license issuance date or their*
31 *second license renewal date, whichever occurs first. The course*
32 *shall be between two and five hours in duration and shall contain*
33 *content similar to the content described in the publication of the*
34 *Gay and Lesbian Medical Association entitled "Guidelines for*
35 *Care of Lesbian, Gay, Bisexual and Transgender Patients." The*
36 *board may specify the required contents of the course by regulation*
37 *consistent with this subdivision. The board shall enforce this*
38 *requirement in the same manner as it enforces other required*
39 *continuing education requirements.*

1 ~~SEC. 5.~~

2 *SEC. 7.* Section 4517 of the Business and Professions Code is
3 amended to read:

4 4517. (a) The board may, in its discretion, provide for a
5 continuing education program in connection with the professional
6 functions and courses described in this chapter. The number of
7 course hours that the board may require in a continuing education
8 program shall not exceed the number of course hours prescribed
9 for licensed vocational nurses pursuant to Section 2892.5.

10 (b) On and after January 1, ~~2012~~ 2013, the board shall require
11 all of its licensees to take at least one continuing education course
12 that provides instruction on cultural competency, sensitivity, and
13 best practices for providing adequate care to lesbian, gay, bisexual,
14 and transgender persons. Persons licensed by the board before
15 January 1, ~~2012~~ 2013, shall complete the course no later January
16 1, ~~2016~~ 2017. Persons who are newly licensed by the board on and
17 after January 1, ~~2012~~ 2013, shall complete the course within four
18 years of their initial license issuance date or their second license
19 renewal date, whichever occurs first. The course shall be between
20 two and five hours in duration and shall contain content similar to
21 the content described in the publication of the Gay and Lesbian
22 Medical Association entitled “Guidelines for Care of Lesbian,
23 Gay, Bisexual and Transgender Patients.” The board may specify
24 the required contents of the course by regulation consistent with
25 this subdivision. The board shall enforce this requirement in the
26 same manner as it enforces other required continuing education
27 requirements.

28 ~~SEC. 6.~~

29 *SEC. 8.* Section 4980.54 of the Business and Professions Code
30 is amended to read:

31 4980.54. (a) The Legislature recognizes that the education and
32 experience requirements in this chapter constitute only minimal
33 requirements to assure that an applicant is prepared and qualified
34 to take the licensure examinations as specified in subdivision (d)
35 of Section 4980.40 and, if he or she passes those examinations, to
36 begin practice.

37 (b) In order to continuously improve the competence of licensed
38 marriage and family therapists and as a model for all
39 psychotherapeutic professions, the Legislature encourages all

1 licensees to regularly engage in continuing education related to
2 the profession or scope of practice as defined in this chapter.

3 (c) Except as provided in subdivision (e), the board shall not
4 renew any license pursuant to this chapter unless the applicant
5 certifies to the board, on a form prescribed by the board, that he
6 or she has completed not less than 36 hours of approved continuing
7 education in or relevant to the field of marriage and family therapy
8 in the preceding two years, as determined by the board.

9 (d) The board shall have the right to audit the records of any
10 applicant to verify the completion of the continuing education
11 requirement. Applicants shall maintain records of completion of
12 required continuing education coursework for a minimum of two
13 years and shall make these records available to the board for
14 auditing purposes upon request.

15 (e) The board may establish exceptions from the continuing
16 education requirements of this section for good cause, as defined
17 by the board.

18 (f) The continuing education shall be obtained from one of the
19 following sources:

20 (1) An accredited school or state-approved school that meets
21 the requirements set forth in Section 4980.36 or 4980.37. Nothing
22 in this paragraph shall be construed as requiring coursework to be
23 offered as part of a regular degree program.

24 (2) Other continuing education providers, including, but not
25 limited to, a professional marriage and family therapist association,
26 a licensed health facility, a governmental entity, a continuing
27 education unit of an accredited four-year institution of higher
28 learning, or a mental health professional association, approved by
29 the board.

30 (g) The board shall establish, by regulation, a procedure for
31 approving providers of continuing education courses, and all
32 providers of continuing education, as described in paragraphs (1)
33 and (2) of subdivision (f), shall adhere to procedures established
34 by the board. The board may revoke or deny the right of a provider
35 to offer continuing education coursework pursuant to this section
36 for failure to comply with the requirements of this section or any
37 regulation adopted pursuant to this section.

38 (h) Training, education, and coursework by approved providers
39 shall incorporate one or more of the following:

1 (1) Aspects of the discipline that are fundamental to the
2 understanding or the practice of marriage and family therapy.

3 (2) Aspects of the discipline of marriage and family therapy in
4 which significant recent developments have occurred.

5 (3) Aspects of other disciplines that enhance the understanding
6 or the practice of marriage and family therapy.

7 (i) A system of continuing education for licensed marriage and
8 family therapists shall include courses directly related to the
9 diagnosis, assessment, and treatment of the client population being
10 served.

11 (j) On and after January 1, ~~2012~~ 2013, the board shall require
12 all of its licensees to take at least one continuing education course
13 that provides instruction on cultural competency, sensitivity, and
14 best practices for providing adequate care to lesbian, gay, bisexual,
15 and transgender persons. Persons licensed by the board before
16 January 1, ~~2012~~ 2013, shall complete the course no later January
17 1, ~~2016~~ 2017. Persons who are newly licensed by the board on and
18 after January 1, ~~2012~~ 2013, shall complete the course within four
19 years of their initial license issuance date or their second license
20 renewal date, whichever occurs first. The course shall be between
21 two and five hours in duration and shall contain content similar to
22 the content described in the publication of the Gay and Lesbian
23 Medical Association entitled “Guidelines for Care of Lesbian,
24 Gay, Bisexual and Transgender Patients.” The board may specify
25 the required contents of the course by regulation consistent with
26 this subdivision. The board shall enforce this requirement in the
27 same manner as it enforces other required continuing education
28 requirements.

29 (k) The board shall, by regulation, fund the administration of
30 this section through continuing education provider fees to be
31 deposited in the Behavioral Sciences Fund. The fees related to the
32 administration of this section shall be sufficient to meet, but shall
33 not exceed, the costs of administering the corresponding provisions
34 of this section. For purposes of this subdivision, a provider of
35 continuing education as described in paragraph (1) of subdivision
36 (f) shall be deemed to be an approved provider.

37 (l) The continuing education requirements of this section shall
38 comply fully with the guidelines for mandatory continuing
39 education established by the Department of Consumer Affairs
40 pursuant to Section 166.

1 ~~SEC. 7.~~

2 *SEC. 9.* Section 4996.22 of the Business and Professions Code
3 is amended to read:

4 4996.22. (a) (1) Except as provided in subdivision (c), the
5 board shall not renew any license pursuant to this chapter unless
6 the applicant certifies to the board, on a form prescribed by the
7 board, that he or she has completed not less than 36 hours of
8 approved continuing education in or relevant to the field of social
9 work in the preceding two years, as determined by the board.

10 (2) The board shall not renew any license of an applicant who
11 began graduate study prior to January 1, 2004, pursuant to this
12 chapter unless the applicant certifies to the board that during the
13 applicant’s first renewal period after the operative date of this
14 section, he or she completed a continuing education course in
15 spousal or partner abuse assessment, detection, and intervention
16 strategies, including community resources, cultural factors, and
17 same gender abuse dynamics. On and after January 1, 2005, the
18 course shall consist of not less than seven hours of training.
19 Equivalent courses in spousal or partner abuse assessment,
20 detection, and intervention strategies taken prior to the operative
21 date of this section or proof of equivalent teaching or practice
22 experience may be submitted to the board and at its discretion,
23 may be accepted in satisfaction of this requirement. Continuing
24 education courses taken pursuant to this paragraph shall be applied
25 to the 36 hours of approved continuing education required under
26 paragraph (1).

27 (b) The board shall have the right to audit the records of any
28 applicant to verify the completion of the continuing education
29 requirement. Applicants shall maintain records of completion of
30 required continuing education coursework for a minimum of two
31 years and shall make these records available to the board for
32 auditing purposes upon request.

33 (c) The board may establish exceptions from the continuing
34 education requirement of this section for good cause as defined
35 by the board.

36 (d) The continuing education shall be obtained from one of the
37 following sources:

38 (1) An accredited school of social work, as defined in Section
39 4991.2, or a school or department of social work that is a candidate
40 for accreditation by the Commission on Accreditation of the

1 Council on Social Work Education. Nothing in this paragraph shall
2 be construed as requiring coursework to be offered as part of a
3 regular degree program.

4 (2) Other continuing education providers, including, but not
5 limited to, a professional social work association, a licensed health
6 facility, a governmental entity, a continuing education unit of an
7 accredited four-year institution of higher learning, and a mental
8 health professional association, approved by the board.

9 (e) The board shall establish, by regulation, a procedure for
10 approving providers of continuing education courses, and all
11 providers of continuing education, as described in paragraphs (1)
12 and (2) of subdivision (d), shall adhere to the procedures
13 established by the board. The board may revoke or deny the right
14 of a provider to offer continuing education coursework pursuant
15 to this section for failure to comply with the requirements of this
16 section or any regulation adopted pursuant to this section.

17 (f) Training, education, and coursework by approved providers
18 shall incorporate one or more of the following:

19 (1) Aspects of the discipline that are fundamental to the
20 understanding, or the practice, of social work.

21 (2) Aspects of the social work discipline in which significant
22 recent developments have occurred.

23 (3) Aspects of other related disciplines that enhance the
24 understanding, or the practice, of social work.

25 (g) A system of continuing education for licensed clinical social
26 workers shall include courses directly related to the diagnosis,
27 assessment, and treatment of the client population being served.

28 (h) The continuing education requirements of this section shall
29 comply fully with the guidelines for mandatory continuing
30 education established by the Department of Consumer Affairs
31 pursuant to Section 166.

32 (i) On and after January 1, ~~2012~~ 2013, the board shall require
33 all of its licensees to take at least one continuing education course
34 that provides instruction on cultural competency, sensitivity, and
35 best practices for providing adequate care to lesbian, gay, bisexual,
36 and transgender persons. Persons licensed by the board before
37 January 1, ~~2012~~ 2013, shall complete the course no later January
38 1, ~~2016~~ 2017. Persons who are newly licensed by the board on and
39 after January 1, ~~2012~~ 2013, shall complete the course within four
40 years of their initial license issuance date or their second license

1 renewal date, whichever occurs first. The course shall be between
2 two and five hours in duration and shall contain content similar to
3 the content described in the publication of the Gay and Lesbian
4 Medical Association entitled “Guidelines for Care of Lesbian,
5 Gay, Bisexual and Transgender Patients.” The board may specify
6 the required contents of the course by regulation consistent with
7 this subdivision. The board shall enforce this requirement in the
8 same manner as it enforces other required continuing education
9 requirements.

10 (j) The board may adopt regulations as necessary to implement
11 this section.

12 (k) The board shall, by regulation, fund the administration of
13 this section through continuing education provider fees to be
14 deposited in the Behavioral Science Examiners Fund. The fees
15 related to the administration of this section shall be sufficient to
16 meet, but shall not exceed, the costs of administering the
17 corresponding provisions of this section. For purposes of this
18 subdivision, a provider of continuing education as described in
19 paragraph (1) of subdivision (d) shall be deemed to be an approved
20 provider.

21 *SEC. 10. Section 1337.3 of the Health and Safety Code is*
22 *amended to read:*

23 1337.3. (a) The state department shall prepare and maintain
24 a list of approved training programs for nurse assistant certification.
25 The list shall include training programs conducted by skilled
26 nursing or intermediate care facilities, as well as local agencies
27 and education programs. In addition, the list shall include
28 information on whether a training center is currently training nurse
29 assistants, their competency test pass rates, and the number of
30 nurse assistants they have trained. Clinical portions of the training
31 programs may be obtained as on-the-job training, supervised by a
32 qualified director of staff development or licensed nurse.

33 (b) It shall be the duty of the state department to inspect a
34 representative sample of training programs. The state department
35 shall protect consumers and students in any training program
36 against fraud, misrepresentation, or other practices that may result
37 in improper or excessive payment of funds paid for training
38 programs. In evaluating a training center’s training program, the
39 state department shall examine each training center’s trainees’
40 competency test passage rate, and require each program to maintain

1 an average 60 percent test score passage rate to maintain its
2 participation in the program. The average test score passage rate
3 shall be calculated over a two-year period. If the state department
4 determines that any training program is not complying with
5 regulations or is not meeting the competency passage rate
6 requirements, notice thereof in writing shall be immediately given
7 to the program. If the program has not been brought into
8 compliance within a reasonable time, the program may be removed
9 from the approved list and notice thereof in writing given to it.
10 Programs removed under this article shall be afforded an
11 opportunity to request reinstatement of program approval at any
12 time. The state department's district offices shall inspect
13 facility-based centers as part of their annual survey.

14 (c) Notwithstanding Section 1337.1, the approved training
15 program shall consist of at least the following:

16 (1) A 16-hour orientation program to be given to newly
17 employed nurse assistants prior to providing direct patient care,
18 and consistent with federal training requirements for facilities
19 participating in the Medicare or ~~medicaid~~ *Medicaid* programs.

20 (2) (A) A certification training program consisting of at least
21 60 classroom hours of training on basic nursing skills, patient
22 safety and rights, the social and psychological problems of patients,
23 and elder abuse recognition and reporting pursuant to subdivision
24 (e) of Section 1337.1. The 60 classroom hours of training may be
25 conducted within a skilled nursing facility, an intermediate care
26 facility, or an educational institution.

27 (B) In addition to the 60 classroom hours of training required
28 under subparagraph (A), the certification program shall also consist
29 of 100 hours of supervised and on-the-job training clinical practice.
30 The 100 hours may consist of normal employment as a nurse
31 assistant under the supervision of either the director of staff
32 development or a licensed nurse qualified to provide nurse assistant
33 training who has no other assigned duties while providing the
34 training.

35 (3) At least two hours of the 60 hours of classroom training and
36 at least four hours of the 100 hours of the supervised clinical
37 training shall address the special needs of persons with
38 developmental and mental disorders, including mental retardation,
39 Alzheimer's disease, cerebral palsy, epilepsy, dementia,
40 Parkinson's disease, and mental illness.

1 (4) *On and after January 1, 2013, at least two, but not more*
2 *than five, hours of the classroom training shall provide instruction*
3 *on cultural competency, sensitivity, and best practices for providing*
4 *adequate care to lesbian, gay, bisexual, and transgender persons.*
5 *Persons certified by the state department under this article before*
6 *January 1, 2013, shall complete the course no later January 1,*
7 *2017. Persons who are newly certified by the state department*
8 *under this article on and after January 1, 2013, shall complete the*
9 *course within four years of their initial certificate issuance date*
10 *or their second certificate renewal date, whichever occurs first.*
11 *The instruction shall contain content similar to the content*
12 *described in the publication of the Gay and Lesbian Medical*
13 *Association entitled “Guidelines for Care of Lesbian, Gay, Bisexual*
14 *and Transgender Patients.” The state department may specify the*
15 *required contents of the course by regulation consistent with this*
16 *paragraph. The state department shall enforce this requirement*
17 *in the same manner as it enforces other required training*
18 *requirements.*

19 (d) The state department, in consultation with the State
20 Department of Education and other appropriate organizations, shall
21 develop criteria for approving training programs, that includes
22 program content for orientation, training, inservice and the
23 examination for testing knowledge and skills related to basic patient
24 care services and shall develop a plan that identifies and encourages
25 career ladder opportunities for certified nurse assistants. This group
26 shall also recommend, and the department shall adopt, regulation
27 changes necessary to provide for patient care when facilities utilize
28 noncertified nurse assistants who are performing direct patient
29 care. The requirements of this subdivision shall be established by
30 January 1, 1989.

31 (e) On or before January 1, 2004, the state department, in
32 consultation with the State Department of Education, the American
33 Red Cross, and other appropriate organizations, shall do the
34 following:

35 (1) Review the current examination for approved training
36 programs for certified nurse assistants to ensure the accurate
37 assessment of whether a nurse assistant has obtained the required
38 knowledge and skills related to basic patient care services.

1 (2) Develop a plan that identifies and encourages career ladder
2 opportunities for certified nurse assistants, including the application
3 of on-the-job post-certification hours to educational credits.

4 (f) A skilled nursing or intermediate care facility shall determine
5 the number of specific clinical hours within each module identified
6 by the state department required to meet the requirements of
7 subdivision (d), subject to subdivisions (b) and (c). The facility
8 shall consider the specific hours recommended by the state
9 department when adopting the certification training program
10 required by this chapter.

11 (g) This article shall not apply to a program conducted by any
12 church or denomination for the purpose of training the adherents
13 of the church or denomination in the care of the sick in accordance
14 with its religious tenets.

15 (h) The Chancellor of the California Community Colleges shall
16 provide to the state department a standard process for approval of
17 college credit. The state department shall make this information
18 available to all training programs in the state.