

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 555

Introduced by Assembly Member Salas

February 20, 2013

~~An act to amend Section 35 of the Business and Professions Code, relating to professions and vocations. An act to amend Section 1798.85 of the Civil Code, relating to privacy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 555, as amended, Salas. ~~Professions and vocations: military and veterans. Social security numbers.~~

Existing law prohibits a person or entity, with specified exceptions, from publicly posting or displaying an individual's social security number or doing certain other acts that might compromise the security of an individual's social security number, unless otherwise required by federal or state law.

This bill would declare that those provisions do not prevent an adult state correctional facility, an adult city jail, or an adult county jail, from releasing an inmate's social security number, upon request by the county veterans service officer or the United States Department of Veterans Affairs, for the purposes of determining the inmate's status as a military veteran and his or her eligibility for federal, state, or local veterans' benefits or services.

~~Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires these boards to adopt rules and regulations~~

to provide for methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the business, occupation, or profession regulated, and to specify how this education, training, and experience may be used to meet the licensure requirements for the particular business, occupation, or profession regulated.

This bill would require a board to consider any relevant training an applicant for a license received while serving in the armed services of the United States for purposes of satisfying the requirements for a license, if applicable to the requirements for the particular business, occupation, or profession regulated by the board. This bill would also authorize a board to consult with the Department of Veterans Affairs and the Military Department when evaluating whether training acquired during service in the armed services of the United States is applicable to requirements for the license an applicant seeks.

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

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

- 1 SECTION 1. Section 1798.85 of the Civil Code is amended to
- 2 read:
- 3 1798.85. (a) Except as provided in this section, a person or
- 4 entity may not do any of the following:
- 5 (1) Publicly post or publicly display in any manner an
- 6 individual’s social security number. “Publicly post” or “publicly
- 7 display” means to intentionally communicate or otherwise make
- 8 available to the general public.
- 9 (2) Print an individual’s social security number on any card
- 10 required for the individual to access products or services provided
- 11 by the person or entity.
- 12 (3) Require an individual to transmit his or her social security
- 13 number over the Internet, unless the connection is secure or the
- 14 social security number is encrypted.
- 15 (4) Require an individual to use his or her social security number
- 16 to access an Internet Web site, unless a password or unique
- 17 personal identification number or other authentication device is
- 18 also required to access the Internet Web site.
- 19 (5) Print an individual’s social security number on any materials
- 20 that are mailed to the individual, unless state or federal law requires

1 the social security number to be on the document to be mailed.
2 Notwithstanding this paragraph, social security numbers may be
3 included in applications and forms sent by mail, including
4 documents sent as part of an application or enrollment process, or
5 to establish, amend or terminate an account, contract or policy, or
6 to confirm the accuracy of the social security number. A social
7 security number that is permitted to be mailed under this section
8 may not be printed, in whole or in part, on a postcard or other
9 mailer not requiring an envelope, or visible on the envelope or
10 without the envelope having been opened.

11 (b) This section does not prevent the collection, use, or release
12 of a social security number as required by state or federal law or
13 the use of a social security number for internal verification or
14 administrative purposes.

15 (c) *This section does not prevent an adult state correctional*
16 *facility, an adult city jail, or an adult county jail from releasing*
17 *an inmate's social security number, upon request by the county*
18 *veterans service officer or the United States Department of*
19 *Veterans Affairs, for the purposes of determining the inmate's*
20 *status as a military veteran and his or her eligibility for federal,*
21 *state, or local veterans' benefits or services.*

22 ~~(e)~~

23 (d) This section does not apply to documents that are recorded
24 or required to be open to the public pursuant to Chapter 3.5
25 (commencing with Section 6250), Chapter 14 (commencing with
26 Section 7150) or Chapter 14.5 (commencing with Section 7220)
27 of Division 7 of Title 1 of, Article 9 (commencing with Section
28 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of, or Chapter
29 9 (commencing with Section 54950) of Part 1 of Division 2 of
30 Title 5 of, the Government Code. This section does not apply to
31 records that are required by statute, case law, or California Rule
32 of Court, to be made available to the public by entities provided
33 for in Article VI of the California Constitution.

34 ~~(d)~~

35 (e) (1) In the case of a health care service plan, a provider of
36 health care, an insurer or a pharmacy benefits manager, a contractor
37 as defined in Section 56.05, or the provision by any person or
38 entity of administrative or other services relative to health care or
39 insurance products or services, including third-party administration

1 or administrative services only, this section shall become operative
2 in the following manner:

3 (A) On or before January 1, 2003, the entities listed in paragraph
4 (1) shall comply with paragraphs (1), (3), (4), and (5) of subdivision
5 (a) as these requirements pertain to individual policyholders or
6 individual contractholders.

7 (B) On or before January 1, 2004, the entities listed in paragraph
8 (1) shall comply with paragraphs (1) to (5), inclusive, of
9 subdivision (a) as these requirements pertain to new individual
10 policyholders or new individual contractholders and new groups,
11 including new groups administered or issued on or after January
12 1, 2004.

13 (C) On or before July 1, 2004, the entities listed in paragraph
14 (1) shall comply with paragraphs (1) to (5), inclusive, of
15 subdivision (a) for all individual policyholders and individual
16 contractholders, for all groups, and for all enrollees of the Healthy
17 Families and Medi-Cal programs, except that for individual
18 policyholders, individual contractholders and groups in existence
19 prior to January 1, 2004, the entities listed in paragraph (1) shall
20 comply upon the renewal date of the policy, contract, or group on
21 or after July 1, 2004, but no later than July 1, 2005.

22 (2) A health care service plan, a provider of health care, an
23 insurer or a pharmacy benefits manager, a contractor, or another
24 person or entity as described in paragraph (1) shall make reasonable
25 efforts to cooperate, through systems testing and other means, to
26 ensure that the requirements of this article are implemented on or
27 before the dates specified in this section.

28 (3) Notwithstanding paragraph (2), the Director of the
29 Department of Managed Health Care, pursuant to the authority
30 granted under Section 1346 of the Health and Safety Code, or the
31 Insurance Commissioner, pursuant to the authority granted under
32 Section 12921 of the Insurance Code, and upon a determination
33 of good cause, may grant extensions not to exceed six months for
34 compliance by health care service plans and insurers with the
35 requirements of this section when requested by the health care
36 service plan or insurer. Any extension granted shall apply to the
37 health care service plan or insurer's affected providers, pharmacy
38 benefits manager, and contractors.

39 (e)

1 (f) If a federal law takes effect requiring the United States
2 Department of Health and Human Services to establish a national
3 unique patient health identifier program, a provider of health care,
4 a health care service plan, a licensed health care professional, or
5 a contractor, as those terms are defined in Section 56.05, that
6 complies with the federal law shall be deemed in compliance with
7 this section.

8 ~~(f)~~

9 (g) A person or entity may not encode or embed a social
10 security number in or on a card or document, including, but not
11 limited to, using a barcode, chip, magnetic strip, or other
12 technology, in place of removing the social security number, as
13 required by this section.

14 ~~(g)~~

15 (h) This section shall become operative, with respect to the
16 University of California, in the following manner:

17 (1) On or before January 1, 2004, the University of California
18 shall comply with paragraphs (1), (2), and (3) of subdivision (a).

19 (2) On or before January 1, 2005, the University of California
20 shall comply with paragraphs (4) and (5) of subdivision (a).

21 ~~(h)~~

22 (i) This section shall become operative with respect to the
23 Franchise Tax Board on January 1, 2007.

24 ~~(i)~~

25 (j) This section shall become operative with respect to the
26 California community college districts on January 1, 2007.

27 ~~(j)~~

28 (k) This section shall become operative with respect to the
29 California State University system on July 1, 2005.

30 ~~(k)~~

31 (l) This section shall become operative, with respect to the
32 California Student Aid Commission and its auxiliary organization,
33 in the following manner:

34 (1) On or before January 1, 2004, the commission and its
35 auxiliary organization shall comply with paragraphs (1), (2), and
36 (3) of subdivision (a).

37 (2) On or before January 1, 2005, the commission and its
38 auxiliary organization shall comply with paragraphs (4) and (5)
39 of subdivision (a).

1 SECTION 1. ~~Section 35 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 35. (a) ~~It is the policy of this state that, consistent with the~~
4 ~~provision of high-quality services, persons with skills, knowledge,~~
5 ~~and experience obtained in the armed services of the United States~~
6 ~~should be permitted to apply this learning and contribute to the~~
7 ~~employment needs of the state at the maximum level of~~
8 ~~responsibility and skill for which they are qualified. To this end,~~
9 ~~rules and regulations of boards provided for in this code shall~~
10 ~~provide for methods of evaluating education, training, and~~
11 ~~experience obtained in the armed services, if applicable to the~~
12 ~~requirements of the business, occupation, or profession regulated.~~
13 ~~These rules and regulations shall also specify how this education,~~
14 ~~training, and experience may be used to meet the licensure~~
15 ~~requirements for the particular business, occupation, or profession~~
16 ~~regulated. Each board shall consult with the Department of~~
17 ~~Veterans Affairs and the Military Department before adopting~~
18 ~~these rules and regulations. Each board shall perform the duties~~
19 ~~required by this section within existing budgetary resources of the~~
20 ~~agency within which the board operates.~~

21 (b) ~~A board provided for in this code shall consider, and may~~
22 ~~accept, any relevant training an applicant for a license received~~
23 ~~while serving in the armed services of the United States for~~
24 ~~purposes of satisfying the requirements for a license, if applicable~~
25 ~~to the requirements for the particular business, occupation, or~~
26 ~~profession regulated by the board. A board may consult with the~~
27 ~~Department of Veterans Affairs and the Military Department when~~
28 ~~evaluating whether training acquired during service in the armed~~
29 ~~services of the United States is applicable to requirements for the~~
30 ~~license an applicant seeks.~~