

AMENDED IN SENATE JUNE 17, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1060**

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**Introduced by Assembly Member Bonilla**

February 26, 2015

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An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations; add Chapter 2 (commencing with Section 101990) to Part 6 of Division 101 of the Health and Safety Code, relating to cancer, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as amended, Bonilla. ~~Professions and vocations; licensure. Cancer clinical trials.~~

*Existing law establishes the scope and function of the California Health and Human Services Agency, which includes departments charged with administering laws pertaining to public health and social services, among other things. Existing law also establishes the Inclusion of Women and Minorities in Clinical Research Act, which is designed to promote the inclusion of women and minority groups in clinical research, including clinical trials.*

*This bill would create the Cancer Clinical Trials Foundation in the Health and Human Services Agency, to be governed by a board of trustees. Members of the board would be appointed as specified. The bill would also create the Cancer Clinical Trials Fund, and would continuously appropriate this fund to the board, thereby making an appropriation. The bill would authorize the board to solicit and receive money, as specified. The bill would require the board, upon contribution*

*of an unspecified amount of money to the fund, to establish the Cancer Clinical Trials Grant Program, in order to increase patient access to cancer clinical trials in specified populations. The bill would require that grant money be used for designated purposes, and would also require grant recipients to report to the board. The bill would require the board to report to the Legislature, as specified. This bill would make related findings.*

~~Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.~~

~~This bill would require the board to provide that information through first-class mail and by email if the board has an email address on file for the ex-licensee.~~

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

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

- 1     SECTION 1. *The Legislature finds and declares the following:*
- 2     (a) *Almost 50 percent of clinical trial studies are not finished*
- 3     *in time due to low patient participation, recruitment and navigation*
- 4     *difficulties, and other barriers for patients. Due to economic and*
- 5     *socioeconomic circumstances and lack of patient knowledge,*
- 6     *clinical oncology trial participation and retention are both very*
- 7     *low as they relate to eligible participants.*
- 8     (b) *Overall, only 3 percent of eligible cancer patients participate*
- 9     *in clinical trials, and of those only 5 percent of trial participants*
- 10    *are from racial or ethnic minority communities.*
- 11    (c) *One barrier that prevents patients from participating in*
- 12    *federal Food and Drug Administration clinical trials is finances.*
- 13    *Patients of low to moderate income are often unable to bear the*
- 14    *burden of the ancillary costs of participating, such as airfare,*
- 15    *lodging, rental cars, and fuel.*

1 (d) *The American Medical Association conducted a study on*  
 2 *cancer trial participation. The study found that from 1996 to 2002,*  
 3 *of the 75,215 patients enrolled in the National Cancer Institute*  
 4 *trials for breast, lung, colorectal, and prostate cancers, only 3.1*  
 5 *percent were Hispanic, 9.2 percent were Black, and 1.9 percent*  
 6 *were Asian or Pacific Islanders, while 85.6 percent were White.*  
 7 *This lack of diversity is alarming because of its impact on*  
 8 *researchers’ ability to evaluate the effect of new treatments on*  
 9 *different populations. It also speaks to a lack of access to*  
 10 *potentially lifesaving trials for a large portion of the population.*

11 (e) *It is the intent of the Legislature to establish a program to*  
 12 *enable willing patients of low to moderate income to participate*  
 13 *in cancer clinical trials in order to boost participation rates, ensure*  
 14 *these trials are widely accessible, improve the development of*  
 15 *cancer therapies, and enhance innovation.*

16 SEC. 2. *Chapter 2 (commencing with Section 101990) is added*  
 17 *to Part 6 of Division 101 of the Health and Safety Code, to read:*

18  
 19 *CHAPTER 2. CANCER CLINICAL TRIALS*

20  
 21 101990. (a) *“Board” means the Board of Trustees of the*  
 22 *Cancer Clinical Trials Foundation.*

23 (b) *“Foundation” means the Cancer Clinical Trials Foundation.*

24 (c) *“Fund” means the Cancer Clinical Trials Fund.*

25 101991. (a) *The agency shall establish a nonprofit public*  
 26 *benefit corporation, to be known as the Cancer Clinical Trials*  
 27 *Foundation, that shall be governed by a board consisting of a total*  
 28 *of five members. Three members shall be appointed by the*  
 29 *Governor. Of these members, one shall be from a public cancer*  
 30 *research institution, and one shall be from a private cancer*  
 31 *research institution. One member shall be appointed by the Speaker*  
 32 *of the Assembly. One member shall be appointed by the President*  
 33 *pro Tempore of the Senate.*

34 (b) *The Governor shall appoint the president of the board from*  
 35 *among those members appointed by the Governor, the Speaker of*  
 36 *the Assembly, and the President pro Tempore of the Senate.*

37 (c) *Members of the board shall serve without compensation but*  
 38 *shall be reimbursed for any actual and necessary expenses incurred*  
 39 *in connection with their duties as members of the board.*

1 (d) The foundation shall be subject to the Nonprofit Public  
2 Benefit Corporation Law (Part 2 (commencing with Section 5110)  
3 of Division 2 of Title 2 of the Corporations Code), except that if  
4 there is a conflict with this chapter and the Nonprofit Public Benefit  
5 Corporation Law, this chapter shall prevail.

6 (e) The California Health and Human Services Agency shall  
7 determine which department in the agency shall administer the  
8 foundation.

9 101992. (a) Of the members of the board first appointed by  
10 the Governor pursuant to Section 101991, one member shall be  
11 appointed to serve a two-year term, one member shall be appointed  
12 to serve a three-year term, and one member shall be appointed to  
13 serve a four-year term.

14 (b) Of the members of the board first appointed by the Speaker  
15 of the Assembly and the President pro Tempore of the Senate  
16 pursuant to Section 101991, each member shall be appointed to  
17 serve a four-year term.

18 (c) Upon the expiration of the initial appointments for the board,  
19 each member shall be appointed to serve a four-year term.

20 101993. (a) There is hereby created the Cancer Clinical Trials  
21 Fund. Notwithstanding Section 13340 of the Government Code,  
22 all money in the fund is continuously appropriated to the board  
23 without regard to fiscal years, for the administration and support  
24 of the program created pursuant to this chapter.

25 (b) The Cancer Clinical Trials Foundation may solicit and  
26 receive funds from business, industry, foundations, and other  
27 private and public sources for the purpose of administering the  
28 Cancer Clinical Trials Grant Program to increase patient access  
29 to cancer clinical trials.

30 (c) The board shall use no more than 20 percent of funds made  
31 available for the Cancer Clinical Trials Grant Program for  
32 administrative costs.

33 101994. (a) Upon contribution of an unspecified amount of  
34 moneys to the foundation, the board shall establish the Cancer  
35 Clinical Trials Grant Program to increase patient access to cancer  
36 clinical trials in underserved or disadvantaged communities and  
37 populations, including among women and patients from racial  
38 and ethnic minority communities. The board shall determine the  
39 criteria to award grants, and may award grants to either or both  
40 of the following:

- 1     (1) *Public and private research institutions and hospitals that*  
2 *conduct cancer clinical trials approved by the federal Food and*  
3 *Drug Administration.*
- 4     (2) *Nonprofit organizations described in Section 501(c)(3) of*  
5 *the Internal Revenue Code of 1954 that are exempt from income*  
6 *tax under Section 501(a) of that code and that specialize in direct*  
7 *patient support for improved clinical trial enrollment and retention.*
- 8     (b) *Grants awarded pursuant to subdivision (a) shall be used*  
9 *for activities to increase patient access to cancer clinical trials,*  
10 *including, but not limited to, any of the following:*
- 11     (1) *Patient navigator services or programs.*
- 12     (2) *Education and community outreach.*
- 13     (3) *Patient-friendly technical tools to assist patients in*  
14 *identifying available clinical trials.*
- 15     (4) *Translation and interpretation services of clinical trial*  
16 *information.*
- 17     (5) *Counseling services for clinical trial participants.*
- 18     (6) *Well-being services for clinical trial participants, including,*  
19 *but not limited to, physical therapy, pain management, stress*  
20 *management, and nutrition management.*
- 21     (7) *Payment of ancillary costs for patients and caregivers,*  
22 *including, but not limited to:*
- 23     (A) *Airfare during the clinical trial.*
- 24     (B) *Lodging during the clinical trial.*
- 25     (C) *Rental cars during the clinical trial.*
- 26     (D) *Fuel during the clinical trial.*
- 27     (E) *Local transportation via bus, train, or other public*  
28 *transportation during the clinical trial.*
- 29     (F) *Meals during the clinical trial.*
- 30     (G) *Child care costs during the clinical trial.*
- 31     101995. (a) *Grant recipients shall report to the board to ensure*  
32 *the appropriate use of funds within one year of receiving a grant.*
- 33     (b) (1) *The board shall report to the Legislature to ensure the*  
34 *appropriate use of the funds. The report shall include*  
35 *accountability measures, including, but not limited to, a description*  
36 *of how the funds were used, an evaluation of the grant program,*  
37 *and recommendations for the program. This report shall be*  
38 *submitted by January 1, 2020.*

1 (2) *The requirement for submitting a report imposed under*  
2 *paragraph (1) is inoperative on January, 1, 2024, pursuant to*  
3 *Section 10231.5 of the Government Code.*

4 SECTION 1. Section 491 of the Business and Professions Code  
5 is amended to read:

6 ~~491. (a) Upon suspension or revocation of a license by a board~~  
7 ~~on one or more of the grounds specified in Section 490, the board~~  
8 ~~shall:~~

9 ~~(1) Send a copy of the provisions of Section 11522 of the~~  
10 ~~Government Code to the ex-licensee.~~

11 ~~(2) Send a copy of the criteria relating to rehabilitation~~  
12 ~~formulated under Section 482 to the ex-licensee.~~

13 ~~(b) Subdivision (a) shall be satisfied through first-class mail~~  
14 ~~and by email if the board has an email address on file for the~~  
15 ~~ex-licensee.~~