

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1174

Introduced by Assembly Member Bonilla

February 27, 2015

An act to add Sections 100240, 100241, 100242, and 100243 to the Health and Safety Code, relating to health research; amend Section 800 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bonilla. ~~Health research: women's health. Healing arts: licensee records.~~

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires various state licensing boards, including the Medical Board of California and the Board of Psychology, to create and maintain a central file of the names of licensees to provide an individual historical record for each licensee with information on acts of licensee misconduct and discipline, as specified.

This bill would add the California Board of Podiatric Medicine to the list of state licensing boards required to create and maintain such records.

~~Existing law establishes the Inclusion of Women and Minorities in Clinical Research Act, which requires a grantee, as defined, in conducting or supporting a project of clinical research, as defined, to ensure that women of all ages, and members of minority groups, as defined, are included as subjects in the clinical research projects, except~~

~~under prescribed circumstances. Existing law also requires state agencies to, and would declare legislative intent that the University of California include in specified progress reports, data on the extent to which state funds administered by state agencies and the University of California are used by grantees for research on diseases, disorders, and health conditions, that includes women and minorities in the research trials, and that studies diseases, disorders, and health conditions of particular concern to women and minorities. Existing law also states the legislative intent that research include, but not be limited to, specified diseases, disorders, and health conditions.~~

~~This bill would create the State Contingency Fund for Ancillary Costs and the Ancillary Costs Committee. The bill would authorize the fund to receive private donations. The bill would require the committee to develop grant criteria once a to be determined amount is deposited into the fund. The bill would authorize the committee to award, on a competitive basis, grants to various organizations, to increase patient access to cancer clinical trials.~~

~~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 800 of the Business and Professions Code
2 is amended to read:
3 800. (a) The Medical Board of California, the Board of
4 Psychology, the Dental Board of California, the Dental Hygiene
5 Committee of California, the Osteopathic Medical Board of
6 California, the State Board of Chiropractic Examiners, the Board
7 of Registered Nursing, the Board of Vocational Nursing and
8 Psychiatric Technicians of the State of California, the State Board
9 of Optometry, the Veterinary Medical Board, the Board of
10 Behavioral Sciences, the Physical Therapy Board of California,
11 the California State Board of Pharmacy, the Speech-Language
12 Pathology and Audiology and Hearing Aid Dispensers Board, the
13 California Board of Occupational Therapy, the Acupuncture Board,
14 *the California Board of Podiatric Medicine*, and the Physician
15 Assistant Board shall each separately create and maintain a central
16 file of the names of all persons who hold a license, certificate, or
17 similar authority from that board. Each central file shall be created

1 and maintained to provide an individual historical record for each
2 licensee with respect to the following information:

3 (1) Any conviction of a crime in this or any other state that
4 constitutes unprofessional conduct pursuant to the reporting
5 requirements of Section 803.

6 (2) Any judgment or settlement requiring the licensee or his or
7 her insurer to pay any amount of damages in excess of three
8 thousand dollars (\$3,000) for any claim that injury or death was
9 proximately caused by the licensee's negligence, error or omission
10 in practice, or by rendering unauthorized professional services,
11 pursuant to the reporting requirements of Section 801 or 802.

12 (3) Any public complaints for which provision is made pursuant
13 to subdivision (b).

14 (4) Disciplinary information reported pursuant to Section 805,
15 including any additional exculpatory or explanatory statements
16 submitted by the licensee pursuant to subdivision (f) of Section
17 805. If a court finds, in a final judgment, that the peer review
18 resulting in the 805 report was conducted in bad faith and the
19 licensee who is the subject of the report notifies the board of that
20 finding, the board shall include that finding in the central file. For
21 purposes of this paragraph, "peer review" has the same meaning
22 as defined in Section 805.

23 (5) Information reported pursuant to Section 805.01, including
24 any explanatory or exculpatory information submitted by the
25 licensee pursuant to subdivision (b) of that section.

26 (b) (1) Each board shall prescribe and promulgate forms on
27 which members of the public and other licensees or certificate
28 holders may file written complaints to the board alleging any act
29 of misconduct in, or connected with, the performance of
30 professional services by the licensee.

31 (2) If a board, or division thereof, a committee, or a panel has
32 failed to act upon a complaint or report within five years, or has
33 found that the complaint or report is without merit, the central file
34 shall be purged of information relating to the complaint or report.

35 (3) Notwithstanding this subdivision, the Board of Psychology,
36 the Board of Behavioral Sciences, and the Respiratory Care Board
37 of California shall maintain complaints or reports as long as each
38 board deems necessary.

39 (c) (1) The contents of any central file that are not public
40 records under any other ~~provision~~ of law shall be confidential

1 except that the licensee involved, or his or her counsel or
 2 representative, shall have the right to inspect and have copies made
 3 of his or her complete file except for the provision that may
 4 disclose the identity of an information source. For the purposes of
 5 this section, a board may protect an information source by
 6 providing a copy of the material with only those deletions necessary
 7 to protect the identity of the source or by providing a
 8 comprehensive summary of the substance of the material.
 9 Whichever method is used, the board shall ensure that full
 10 disclosure is made to the subject of any personal information that
 11 could reasonably in any way reflect or convey anything detrimental,
 12 disparaging, or threatening to a licensee’s reputation, rights,
 13 benefits, privileges, or qualifications, or be used by a board to
 14 make a determination that would affect a licensee’s rights, benefits,
 15 privileges, or qualifications. The information required to be
 16 disclosed pursuant to Section 803.1 shall not be considered among
 17 the contents of a central file for the purposes of this subdivision.

18 (2) The licensee may, but is not required to, submit any
 19 additional exculpatory or explanatory statement or other
 20 information that the board shall include in the central file.

21 (3) Each board may permit any law enforcement or regulatory
 22 agency when required for an investigation of unlawful activity or
 23 for licensing, certification, or regulatory purposes to inspect and
 24 have copies made of that licensee’s file, unless the disclosure is
 25 otherwise prohibited by law.

26 (4) These disclosures shall effect no change in the confidential
 27 status of these records.

28 ~~SECTION 1. The Legislature finds and declares the following:~~

29 ~~(a) Almost 50 percent of clinical trial studies do not finish in~~
 30 ~~time due to low patient participation, recruitment and navigation~~
 31 ~~difficulties, and other barriers for patients. Due to economic and~~
 32 ~~socioeconomic circumstances and lack of patient knowledge,~~
 33 ~~clinical oncology trial participation and retention are both very~~
 34 ~~low as they relate to eligible participants.~~

35 ~~(b) Overall, only 3 percent of eligible cancer patients participate~~
 36 ~~in clinical trials and of those, only 5 percent of trial participants~~
 37 ~~are from racial or ethnic minority communities.~~

38 ~~(c) One barrier that prevents patients from participating in~~
 39 ~~federal Food and Drug Administration clinical trials is finances.~~

1 Patients can't bear the burden of the ancillary costs of participating,
2 such as airfare, lodging, rental cars, and fuel.

3 ~~SEC. 2. Section 100240 is added to the Health and Safety Code,
4 to read:~~

5 ~~100240. The Ancillary Costs Committee is hereby created to
6 be made up of private and public health stakeholders.~~

7 ~~SEC. 3. Section 100241 is added to the Health and Safety Code,
8 to read:~~

9 ~~100241. (a) The State Contingency Fund for Ancillary Costs
10 is hereby created in the State Treasury to be made up of donations
11 from private entities. Moneys in the State Contingency Fund for
12 Ancillary Costs shall, upon appropriation by the Legislature to the
13 committee, be allocated by the committee as provided by Section
14 100242.~~

15 ~~(b) The board shall not use more than 10 percent of funds made
16 available for the grant program for administrative costs.~~

17 ~~SEC. 4. Section 100242 is added to the Health and Safety Code,
18 to read:~~

19 ~~100242. (a) Upon an unspecified amount of moneys being
20 donated to the fund, the committee shall establish a grant program
21 to determine grant parameters and criteria, and to make grant
22 awards.~~

23 ~~(b) In order to increase patient access to clinical trials, the
24 committee may award grants from any funds that may be made
25 available pursuant to Section 100241, on a competitive basis, to
26 both of the following:~~

27 ~~(1) Public and private research institutions and hospitals that
28 conduct cancer trials approved by the federal Food and Drug
29 Administration approved cancer clinical trials.~~

30 ~~(2) A nonprofit organization described in Section 501(e)(3) of
31 the Internal Revenue Code of 1954 which is exempt from income
32 tax under Section 501(a) of that code that specializes in direct
33 patient support for improved clinical trial enrollment and retention.~~

34 ~~(c) The funds awarded pursuant to subdivision (b) shall be used
35 for activities to increase patient access to clinical trials, including,
36 but not limited to:~~

37 ~~(1) Payment of ancillary costs for patients and caregivers,
38 including, but not limited to:~~

39 ~~(A) Airfare during the clinical trial.~~

40 ~~(B) Lodging during the clinical trial.~~

- 1 ~~(C) Rental cars during the clinical trial.~~
- 2 ~~(D) Fuel during the clinical trial.~~
- 3 ~~(E) Meals during the clinical trial.~~
- 4 ~~(F) Child care costs during the clinical trial.~~
- 5 ~~(2) Patient navigator services or programs.~~
- 6 ~~(3) Education and community outreach.~~
- 7 ~~(4) Patient-friendly technical tools to assist patients in~~
- 8 ~~identifying available clinical trials.~~
- 9 ~~SEC. 5. Section 100243 is added to the Health and Safety Code,~~
- 10 ~~to read:~~
- 11 ~~100243. Grant recipients shall report to the committee to ensure~~
- 12 ~~the appropriate use of the funds.~~