

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE APRIL 19, 2016

AMENDED IN SENATE APRIL 4, 2016

SENATE BILL

No. 1139

Introduced by Senator Lara
(Coauthors: Senators Block, Hall, and Hertzberg)
(Coauthor: Assembly Member Gipson)

February 18, 2016

An act to add ~~Section 2064.3~~ *Sections 2064.3 and 2064.4* to the Business and Professions Code, and to add Section 128371 to the Health and Safety Code, relating to health professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1139, as amended, Lara. Health professionals: medical *school programs: healing arts* residency *training* programs: undocumented immigrants: *nonimmigrant aliens*: scholarships, loans, and loan repayment.

(1) Existing law, known as the Medical Practice Act, provides for licensing and regulation of physicians and surgeons by the Medical Board of California and imposes various requirements in that regard. Existing law requires an applicant for a license as a physician and surgeon to successfully complete a specified medical curriculum, a clinical instruction program, and a training program. Existing law provides that nothing in the Medical Practice Act shall be construed to prohibit a foreign medical graduate from engaging in the practice of

medicine whenever and wherever required as part of a clinical service program, subject to certain conditions.

~~Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Existing law establishes the University of California, under the administration of the Regents of the University of California, as one of the segments of public postsecondary education in this state. The University of California operates medical schools at its Davis, Irvine, Los Angeles, San Diego, and San Francisco campuses, and a medical school will open at its Riverside campus in the 2016-17 academic year.~~

~~This bill would provide that any *prohibit* a student, including a person without lawful immigration status, a person who is exempt from nonresident tuition pursuant to a specified statute, or a person who fits into both of those categories, who meets the requirements for admission is eligible to participate in to a medical school program and a medical residency training program at any public or private postsecondary educational institution that offers such a program. The bill would prohibit the denial of participation in one of these programs program from being denied admission to that program based on the his or her citizenship status or immigration status of the applicant. status. The bill would also prohibit such a student from being denied admission, based on his or her citizenship status or immigration status, to a healing arts residency training program whose participants are not paid. These provisions would not apply to a nonimmigrant alien, as defined in a specified provision of federal law.~~

(2) Existing law establishes the Office of Statewide Health Planning and Development and makes the office responsible for administering various programs with respect to the health care professions.

This bill would prohibit specified programs administered by the office from denying an application based on the citizenship status or immigration status of the applicant.

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 2064.3 is added to the Business and
- 2 Professions Code, to read:

1 2064.3. (a) Notwithstanding any other law, ~~any except as~~
2 *specified in subdivision (b), no student, including a person without*
3 *lawful immigration status, a person who is exempt from*
4 *nonresident tuition pursuant to Section 68130.5 of the Education*
5 *Code, or a person who is both without lawful immigration status*
6 *and exempt from nonresident tuition pursuant to Section 68130.5*
7 *of the Education Code, who meets the requirements for admission*
8 ~~*is eligible to participate in a medical school program and a medical*~~
9 ~~*residency training program at any public or private postsecondary*~~
10 ~~*educational institution that offers such a program and shall not to*~~
11 ~~*a medical school program at any public or private postsecondary*~~
12 ~~*educational institution that offers that program shall be denied*~~
13 ~~*participation admission to that program based on the his or her*~~
14 ~~*citizenship status or immigration status of the applicant. status.*~~

15 (b) *This section shall not apply to a nonimmigrant alien within*
16 *the meaning of paragraph (15) of subdivision (a) of Section 1101*
17 *of Title 8 of the United States Code, as that paragraph exists on*
18 *January 1, 2017.*

19 SEC. 2. Section 2064.4 is added to the Business and Professions
20 Code, to read:

21 2064.4. (a) *Notwithstanding any other law, except as specified*
22 *in subdivision (b), no student, including a person without lawful*
23 *immigration status, a person who is exempt from nonresident*
24 *tuition pursuant to Section 68130.5 of the Education Code, or a*
25 *person who is both without lawful immigration status and exempt*
26 *from nonresident tuition pursuant to Section 68130.5 of the*
27 *Education Code, who meets the requirements for admission to a*
28 *healing arts residency training program whose participants are*
29 *not paid shall be denied admission to that program based on his*
30 *or her citizenship status or immigration status.*

31 (b) *This section shall not apply to a nonimmigrant alien within*
32 *the meaning of paragraph (15) of subdivision (a) of Section 1101*
33 *of Title 8 of the United States Code, as that paragraph exists on*
34 *January 1, 2017.*

35 ~~SEC. 2.~~

36 SEC. 3. Section 128371 is added to the Health and Safety Code,
37 to read:

38 128371. (a) The Legislature finds and declares that it is in the
39 best interest of the State of California to provide persons who are
40 not lawfully present in the United States with the state benefits

1 provided by those programs listed in subdivision (d), and therefore,
2 enacts this section pursuant to Section 1621(d) of Title 8 of the
3 United States Code.

4 (b) A program listed in subdivision (d) shall not deny an
5 application based on the citizenship status or immigration status
6 of the applicant.

7 (c) For any program listed in subdivision (d), when mandatory
8 disclosure of a social security number is required, an applicant
9 shall provide his or her social security number, if one has been
10 issued, or an individual tax identification number that has been or
11 will be submitted.

12 (d) This section shall apply to all of the following:

13 (1) Programs supported through the Health Professions
14 Education Fund pursuant to Section 128355.

15 (2) The Registered Nurse Education Fund created pursuant to
16 Section 128400.

17 (3) The Mental Health Practitioner Education Fund created
18 pursuant to Section 128458.

19 (4) The Vocational Nurse Education Fund created pursuant to
20 Section 128500.

21 (5) The Medically Underserved Account for Physicians created
22 pursuant to Section 128555.

23 (6) Loan forgiveness and scholarship programs created pursuant
24 to Section 5820 of the Welfare and Institutions Code.

25 (7) The Song-Brown Health Care Workforce Training Act
26 created pursuant to Article 1 (commencing with Section 128200)
27 of Chapter 4.

28 (8) To the extent permitted under federal law, the program
29 administered by the office pursuant to the federal National Health
30 Service Corps State Loan Repayment Program (42 U.S.C. Sec.
31 254q-1), commonly known as the California State Loan Repayment
32 Program.

33 (9) The programs administered by the office pursuant to the
34 Health Professions Career Opportunity Program (Section 127885),
35 commonly known ~~at as~~ the Mini Grants Program ~~and the Program,~~
36 ~~and~~ California’s Student/Resident Experiences and Rotations in
37 Community Health, ~~or CalSEARCH, Program.~~ *Health, commonly*
38 *known as the Cal-SEARCH program.*

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