

ASSEMBLY BILL

No. 3141

Introduced by Assembly Member Gallegos

February 23, 1996

An act to amend Section 1316.5 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3141, as introduced, Gallegos. Health facilities: clinical psychologists.

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law authorizes a health facility to establish rules and regulations in order to enable the appointment of clinical psychologists, and would authorize the clinical psychologists to hold membership and serve on committees of the medical staff and to carry professional responsibilities consistent with their scope of practice and subject to the rules of the facility.

This bill would amend this provision to apply it to health facilities that are not owned or operated by the state. It would require the rules of a health facility owned or operated by the state to include provisions for the use of the facility by, and medical staff privileges for, clinical psychologists within the scope of their practice and subject to rules and regulations governing that use or privileges. It would provide that the rules and regulations may not discriminate on the basis of whether staff members hold a doctorate in medicine, osteopathic medicine, podiatric medicine, or in psychology.

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 1316.5 of the Health and Safety
2 Code is amended to read:
3 1316.5. (a) *The rules of a health facility owned or*
4 *operated by this state shall include provisions for the use*
5 *of the facility by, and medical staff privileges for, duly*
6 *licensed clinical psychologists within the scope of their*
7 *licensure, subject to rules and regulations governing this*
8 *use or privileges that shall be established by the health*
9 *facility. These rules or regulations shall not discriminate*
10 *on the basis of whether the staff member holds a*
11 *doctorate degree in medicine (M.D.), osteopathic*
12 *medicine (D.O.), podiatric medicine (D.P.M.), or in*
13 *psychology within the scope of their respective licensure.*
14 (b) The rules of a health facility *not owned or operated*
15 *by this state* may enable the appointment of clinical
16 psychologists on such terms and conditions as the facility
17 shall establish. In such health facilities, clinical
18 psychologists may hold membership and serve on
19 committees of the medical staff and carry professional
20 responsibilities consistent with the scope of their
21 licensure and their competence, subject to the rules of the
22 health facility.
23 ~~Nothing~~
24 (c) *Nothing* in this section shall be construed to
25 require a health facility to offer a specific health service
26 or services not otherwise offered. If a health service is
27 offered by a health facility with both licensed physicians
28 and surgeons and clinical psychologists on the medical
29 staff, which both licensed physicians and surgeons and
30 clinical psychologists are authorized by law to perform,
31 such service may be performed by either, without
32 discrimination.
33 This subdivision shall not prohibit a health facility
34 which is a clinical teaching facility owned or operated by
35 a university operating a school of medicine from



1 requiring that a clinical psychologist have a faculty
2 teaching appointment as a condition for eligibility for
3 staff privileges at that facility.

4 In any health facility providing staff privileges to
5 clinical psychologists, the health facility staff processing,
6 reviewing, evaluating, and determining qualifications for
7 staff privileges for medical staff shall include, if possible,
8 staff members who are clinical psychologists.

9 ~~(b)~~

10 (d) No classification of health facilities by the state
11 department, nor any other classification of health
12 facilities based on quality of service or otherwise, by any
13 person, body, or governmental agency of this state or any
14 subdivision thereof shall be affected by a health facility's
15 provision for use of its facilities by duly licensed clinical
16 psychologists, nor shall any such classification be affected
17 by the subjection of the psychologists to the rules and
18 regulations of the organized professional staff. No
19 classification of health facilities by any governmental
20 agency of this state or any subdivision thereof pursuant to
21 any law, whether enacted prior or subsequent to the
22 effective date of this section, for the purposes of
23 ascertaining eligibility for compensation,
24 reimbursement, or other benefit for treatment of patients
25 shall be affected by a health facility's provision for use of
26 its facilities by duly licensed clinical psychologists, nor
27 shall any such classification be affected by the subjection
28 of the psychologists to the rules and regulations of the
29 organized professional staff which govern the
30 psychologists' use of the facilities.

31 ~~(e)~~

32 (e) "Clinical psychologist," as used in this section,
33 means a psychologist licensed by this state and (1) who
34 possesses an earned doctorate degree in psychology from
35 an educational institution meeting the criteria of
36 subdivision (c) of Section 2914 of the Business and
37 Professions Code and (2) has not less than two years
38 clinical experience in a multidisciplinary facility licensed
39 or operated by this or another state or by the United
40 States to provide health care, or, is listed in the latest



1 edition of the National Register of Health Service
2 Providers in Psychology, as adopted by the Council for
3 the National Register of Health Service Providers in
4 Psychology.

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