

AMENDED IN SENATE AUGUST 27, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY MAY 2, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1253**

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**Introduced by Assembly Members Matthews and Thomson**

February 23, 2001

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An act to amend Section 1010 of the Evidence Code, to add *and repeal* Section 13960.7 ~~to~~ of the Government Code, to amend Sections 1373 and 1373.8 of the Health and Safety Code, and to amend Sections 10176 and 10177 of the Insurance Code, relating to nursing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Matthews. Nursing.

(1) Existing law, the Nursing Practice Act, requires that a nurse satisfy specified requirements in order to practice as a clinical nurse specialist. Various other provisions of law include within their application a registered nurse with education or experience in psychiatric-mental health nursing.

This bill would recast those provisions, including within their application an advanced practice registered nurse certified as a clinical nurse specialist who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(2) Existing law provides for the indemnification of crime victims, as specified, for certain expenses including counseling related fees if the counseling services are provided by a designated professional.

This bill would include within these designated professionals a person licensed as a registered nurse who meets specified requirements and an advanced practice registered nurse who meets the requirements described in paragraph (1). The bill would specify that these provisions become inoperative and are repealed on January 1, 2002, if AB 1017 is enacted and becomes effective on or before that date.

(3) This bill would also incorporate additional changes in Section 1010 of the Evidence Code proposed by SB 716, to be operative on January 1, 2002, only if that bill and this bill are enacted and become effective on or before January 1, 2002.

(4) This bill would declare that its provisions would become effective immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 1010 of the Evidence Code is amended  
2 to read:

3 1010. As used in this article, “psychotherapist” means:

4 (a) A person authorized, or reasonably believed by the patient  
5 to be authorized, to practice medicine in any state or nation who  
6 devotes, or is reasonably believed by the patient to devote, a  
7 substantial portion of his or her time to the practice of psychiatry.

8 (b) A person licensed as a psychologist under Chapter 6.6  
9 (commencing with Section 2900) of Division 2 of the Business and  
10 Professions Code.

11 (c) A person licensed as a clinical social worker under Article  
12 4 (commencing with Section 4996) of Chapter 14 of Division 2 of  
13 the Business and Professions Code, when he or she is engaged in  
14 applied psychotherapy of a nonmedical nature.

15 (d) A person who is serving as a school psychologist and holds  
16 a credential authorizing that service issued by the state.

17 (e) A person licensed as a marriage, family, and child counselor  
18 under Chapter 13 (commencing with Section 4980) of Division 2  
19 of the Business and Professions Code.



1 (f) A person registered as a psychological assistant who is  
2 under the supervision of a licensed psychologist or board certified  
3 psychiatrist as required by Section 2913 of the Business and  
4 Professions Code, or a person registered as a marriage, family, and  
5 child counselor intern who is under the supervision of a licensed  
6 marriage, family, and child counselor, a licensed clinical social  
7 worker, a licensed psychologist, or a licensed physician certified  
8 in psychiatry, as specified in Section 4980.44 of the Business and  
9 Professions Code.

10 (g) A person registered as an associate clinical social worker  
11 who is under the supervision of a licensed clinical social worker,  
12 a licensed psychologist, or a board certified psychiatrist as  
13 required by Section 4996.20 of the Business and Professions Code.

14 (h) A person exempt from the Psychology Licensing Law  
15 pursuant to subdivision (d) of Section 2909 of the Business and  
16 Professions Code who is under the supervision of a licensed  
17 psychologist or board certified psychiatrist.

18 (i) A psychological intern as defined in Section 2911 of the  
19 Business and Professions Code who is under the supervision of a  
20 licensed psychologist or board certified psychiatrist.

21 (j) A trainee, as defined in subdivision (c) of Section 4980.03  
22 of the Business and Professions Code, who is fulfilling his or her  
23 supervised practicum required by subdivision (b) of Section  
24 4980.40 of the Business and Professions Code and is supervised  
25 by a licensed psychologist, board certified psychiatrist, a licensed  
26 clinical social worker, or a licensed marriage, family, and child  
27 counselor.

28 (k) A person licensed as a registered nurse pursuant to Chapter  
29 6 (commencing with Section 2700) of Division 2 of the Business  
30 and Professions Code, who possesses a master's degree in  
31 psychiatric-mental health nursing and is listed as a  
32 psychiatric-mental health nurse by the Board of Registered  
33 Nursing.

34 (l) An advanced practice registered nurse who is certified as a  
35 clinical nurse specialist pursuant to Article 9 (commencing with  
36 Section 2838) of Chapter 6 of Division 2 of the Business and  
37 Professions Code and who participates in expert clinical practice  
38 in the specialty of psychiatric-mental health nursing.



1 (m) A person rendering mental health treatment or counseling  
2 services as authorized pursuant to Section 6924 of the Family  
3 Code.

4 SEC. 1.5. Section 1010 of the Evidence Code is amended to  
5 read:

6 1010. As used in this article, “psychotherapist” means a  
7 person who is, or is reasonably believed by the patient to be:

8 (a) A person authorized to practice medicine in any state or  
9 nation who devotes, or is reasonably believed by the patient to  
10 devote, a substantial portion of his or her time to the practice of  
11 psychiatry.

12 (b) A person licensed as a psychologist under Chapter 6.6  
13 (commencing with Section 2900) of Division 2 of the Business and  
14 Professions Code.

15 (c) A person licensed as a clinical social worker under Article  
16 4 (commencing with Section 4996) of Chapter 14 of Division 2 of  
17 the Business and Professions Code, when he or she is engaged in  
18 applied psychotherapy of a nonmedical nature.

19 (d) A person who is serving as a school psychologist and holds  
20 a credential authorizing that service issued by the state.

21 (e) A person licensed as a marriage and family therapist under  
22 Chapter 13 (commencing with Section 4980) of Division 2 of the  
23 Business and Professions Code.

24 (f) A person registered as a psychological assistant who is  
25 under the supervision of a licensed psychologist or board certified  
26 psychiatrist as required by Section 2913 of the Business and  
27 Professions Code, or a person registered as a marriage and family  
28 therapist intern who is under the supervision of a licensed marriage  
29 and family therapist, a licensed clinical social worker, a licensed  
30 psychologist, or a licensed physician certified in psychiatry, as  
31 specified in Section 4980.44 of the Business and Professions  
32 Code.

33 (g) A person registered as an associate clinical social worker  
34 who is under the supervision of a licensed clinical social worker,  
35 a licensed psychologist, or a board certified psychiatrist as  
36 required by Section 4996.20 or 4996.21 of the Business and  
37 Professions Code.

38 (h) A person exempt from the Psychology Licensing Law  
39 pursuant to subdivision (d) of Section 2909 of the Business and



1 Professions Code who is under the supervision of a licensed  
2 psychologist or board certified psychiatrist.

3 (i) A psychological intern as defined in Section 2911 of the  
4 Business and Professions Code who is under the supervision of a  
5 licensed psychologist or board certified psychiatrist.

6 (j) A trainee, as defined in subdivision (c) of Section 4980.03  
7 of the Business and Professions Code, who is fulfilling his or her  
8 supervised practicum required by subdivision (b) of Section  
9 4980.40 of the Business and Professions Code and is supervised  
10 by a licensed psychologist, board certified psychiatrist, a licensed  
11 clinical social worker, or a licensed marriage and family therapist.

12 (k) A person licensed as a registered nurse pursuant to Chapter  
13 6 (commencing with Section 2700) of Division 2 of the Business  
14 and Professions Code, who possesses a master's degree in  
15 psychiatric-mental health nursing and is listed as a  
16 psychiatric-mental health nurse by the Board of Registered  
17 Nursing.

18 (l) An advanced practice registered nurse who is certified as a  
19 clinical nurse specialist pursuant to Article 9 (commencing with  
20 Section 2838) of Chapter 6 of Division 2 of the Business and  
21 Professions Code and who participates in expert clinical practice  
22 in the specialty of psychiatric-mental health nursing.

23 (m) A person rendering mental health treatment or counseling  
24 services as authorized pursuant to Section 6924 of the Family  
25 Code.

26 SEC. 2. Section 13960.7 is added to the Government Code, to  
27 read:

28 13960.7. (a) As used in this article, "pecuniary loss" also  
29 means the amount of counseling related expenses as specified in  
30 paragraph (2) of subdivision (d) of Section 13960, provided by  
31 either of the following for which the victim or derivative victim  
32 has not been and will not be reimbursed from any other source:

33 ~~(a)~~

34 (1) A person licensed as a registered nurse pursuant to Chapter  
35 6 (commencing with Section 2700) of Division 2 of the Business  
36 and Professions Code, who possesses a master's degree in  
37 psychiatric-mental health nursing and is listed as a  
38 psychiatric-mental health nurse by the Board of Registered  
39 Nursing.

40 ~~(b)~~



1 (2) An advanced practice registered nurse certified as a clinical  
2 nurse specialist under Article 9 (commencing with Section 2838)  
3 of Chapter 6 of Division 2 of the Business and Professions Code,  
4 who participates in expert clinical practice in the specialty of  
5 psychiatric-mental health nursing.

6 (b) *This section shall become inoperative and is repealed on*  
7 *January 1, 2002, if Assembly Bill 1017 of the 2001–02 Regular*  
8 *Session is enacted and becomes effective on or before that date.*

9 SEC. 3. Section 1373 of the Health and Safety Code is  
10 amended to read:

11 1373. (a) A plan contract may not provide an exception for  
12 other coverage if the other coverage is entitlement to Medi-Cal  
13 benefits under Chapter 7 (commencing with Section 14000) or  
14 Chapter 8 (commencing with Section 14200) of Part 3 of Division  
15 9 of the Welfare and Institutions Code, or medicaid benefits under  
16 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
17 Title 42 of the United States Code.

18 Each plan contract shall be interpreted not to provide an  
19 exception for the Medi-Cal or medicaid benefits.

20 A plan contract shall not provide an exemption for enrollment  
21 because of an applicant’s entitlement to Medi-Cal benefits under  
22 Chapter 7 (commencing with Section 14000) or Chapter 8  
23 (commencing with Section 14200) of Part 3 of Division 9 of the  
24 Welfare and Institutions Code, or medicaid benefits under  
25 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
26 Title 42 of the United States Code.

27 A plan contract may not provide that the benefits payable  
28 thereunder are subject to reduction if the individual insured has  
29 entitlement to the Medi-Cal or medicaid benefits.

30 (b) A plan contract that provides coverage, whether by specific  
31 benefit or by the effect of general wording, for sterilization  
32 operations or procedures shall not impose any disclaimer,  
33 restriction on, or limitation of, coverage relative to the covered  
34 individual’s reason for sterilization.

35 As used in this section, “sterilization operations or procedures”  
36 shall have the same meaning as that specified in Section 10120 of  
37 the Insurance Code.

38 (c) Every plan contract that provides coverage to the spouse or  
39 dependents of the subscriber or spouse shall grant immediate  
40 accident and sickness coverage, from and after the moment of



1 birth, to each newborn infant of any subscriber or spouse covered  
2 and to each minor child placed for adoption from and after the date  
3 on which the adoptive child's birth parent or other appropriate  
4 legal authority signs a written document, including, but not limited  
5 to, a health facility minor release report, a medical authorization  
6 form, or a relinquishment form, granting the subscriber or spouse  
7 the right to control health care for the adoptive child or, absent this  
8 written document, on the date there exists evidence of the  
9 subscriber's or spouse's right to control the health care of the child  
10 placed for adoption. No plan may be entered into or amended if it  
11 contains any disclaimer, waiver, or other limitation of coverage  
12 relative to the coverage or insurability of newborn infants of, or  
13 children placed for adoption with, a subscriber or spouse covered  
14 as required by this subdivision.

15 (d) Every plan contract that provides that coverage of a  
16 dependent child of a subscriber shall terminate upon attainment of  
17 the limiting age for dependent children specified in the plan, shall  
18 also provide in substance that attainment of the limiting age shall  
19 not operate to terminate the coverage of the child while the child  
20 is and continues to be both (1) incapable of self-sustaining  
21 employment by reason of mental retardation or physical handicap  
22 and (2) chiefly dependent upon the subscriber for support and  
23 maintenance, provided proof of the incapacity and dependency is  
24 furnished to the plan by the member within 31 days of the request  
25 for the information by the plan or group plan contractholder and  
26 subsequently as may be required by the plan or group plan  
27 contractholder, but not more frequently than annually after the  
28 two-year period following the child's attainment of the limiting  
29 age.

30 (e) A plan contract that provides coverage, whether by specific  
31 benefit or by the effect of general wording, for both an employee  
32 and one or more covered persons dependent upon the employee  
33 and provides for an extension of the coverage for any period  
34 following a termination of employment of the employee shall also  
35 provide that this extension of coverage shall apply to dependents  
36 upon the same terms and conditions precedent as applied to the  
37 covered employee, for the same period of time, subject to payment  
38 of premiums, if any, as required by the terms of the policy and  
39 subject to any applicable collective bargaining agreement.



1 (f) A group contract shall not discriminate against handicapped  
2 persons or against groups containing handicapped persons.  
3 Nothing in this subdivision shall preclude reasonable provisions  
4 in a plan contract against liability for services or reimbursement  
5 of the handicap condition or conditions relating thereto, as may be  
6 allowed by rules of the director.

7 (g) Every group contract shall set forth the terms and  
8 conditions under which subscribers and enrollees may remain in  
9 the plan in the event the group ceases to exist, the group contract  
10 is terminated or an individual subscriber leaves the group, or the  
11 enrollees' eligibility status changes.

12 (h) (1) A health care service plan or specialized health care  
13 service plan may provide for coverage of, or for payment for,  
14 professional mental health services, or vision care services, or for  
15 the exclusion of these services. If the terms and conditions include  
16 coverage for services provided in a general acute care hospital or  
17 an acute psychiatric hospital as defined in Section 1250 and do not  
18 restrict or modify the choice of providers, the coverage shall  
19 extend to care provided by a psychiatric health facility as defined  
20 in Section 1250.2 operating pursuant to licensure by the State  
21 Department of Mental Health. A health care service plan that  
22 offers outpatient mental health services but does not cover these  
23 services in all of its group contracts shall communicate to  
24 prospective group contractholders as to the availability of  
25 outpatient coverage for the treatment of mental or nervous  
26 disorders.

27 (2) No plan shall prohibit the member from selecting any  
28 psychologist who is licensed pursuant to the Psychology Licensing  
29 Law (Chapter 6.6 (commencing with Section 2900) of Division 2  
30 of the Business and Professions Code), any optometrist who is the  
31 holder of a certificate issued pursuant to Chapter 7 (commencing  
32 with Section 3000) of Division 2 of the Business and Professions  
33 Code or, upon referral by a physician and surgeon licensed  
34 pursuant to the Medical Practice Act (Chapter 5 (commencing  
35 with Section 2000) of Division 2 of the Business and Professions  
36 Code), (i) any marriage, family, and child counselor who is the  
37 holder of a license under Section 4980.50 of the Business and  
38 Professions Code, (ii) any licensed clinical social worker who is  
39 the holder of a license under Section 4996 of the Business and  
40 Professions Code, (iii) any registered nurse licensed pursuant to



1 Chapter 6 (commencing with Section 2700) of Division 2 of the  
2 Business and Professions Code, who possesses a master’s degree  
3 in psychiatric-mental health nursing and is listed as a  
4 psychiatric-mental health nurse by the Board of Registered  
5 Nursing, or (iv) any advanced practice registered nurse certified  
6 as a clinical nurse specialist pursuant to Article 9 (commencing  
7 with Section 2838) of Chapter 6 of Division 2 of the Business and  
8 Professions Code who participates in expert clinical practice in the  
9 specialty of psychiatric-mental health nursing, to perform the  
10 particular services covered under the terms of the plan, and the  
11 certificate holder is expressly authorized by law to perform these  
12 services.

13 (3) Nothing in this section shall be construed to allow any  
14 certificate holder or licensee enumerated in this section to perform  
15 professional mental health services beyond his or her field or fields  
16 of competence as established by his or her education, training and  
17 experience.

18 (4) For the purposes of this section, “marriage, family, and  
19 child counselor” means a licensed marriage, family, and child  
20 counselor who has received specific instruction in assessment,  
21 diagnosis, prognosis, and counseling, and psychotherapeutic  
22 treatment of premarital, marriage, family, and child relationship  
23 dysfunctions which is equivalent to the instruction required for  
24 licensure on January 1, 1981.

25 (5) Nothing in this section shall be construed to allow a member  
26 to select and obtain mental health or psychological or vision care  
27 services from a certificate or ~~license holder~~ *license holder* who is  
28 not directly affiliated with or under contract to the health care  
29 service plan or specialized health care service plan to which the  
30 member belongs. All health care service plans and individual  
31 practice associations that offer mental health benefits shall make  
32 reasonable efforts to make available to their members the services  
33 of licensed psychologists. However, a failure of a plan or  
34 association to comply with the requirements of the preceding  
35 sentence shall not constitute a misdemeanor.

36 (6) As used in this subdivision, “individual practice  
37 association” means an entity as defined in subsection (5) of  
38 Section 1307 of the federal Public Health Service Act (42 U.S.C.  
39 Sec. 300e-1, subsec. (5)).



1 (7) Health care service plan coverage for professional mental  
2 health services may include community residential treatment  
3 services that are alternatives to inpatient care and that are directly  
4 affiliated with the plan or to which enrollees are referred by  
5 providers affiliated with the plan.

6 (i) If the plan utilizes arbitration to settle disputes, the plan  
7 contracts shall set forth the type of disputes subject to arbitration,  
8 the process to be utilized, and how it is to be initiated.

9 (j) A plan contract that provides benefits that accrue after a  
10 certain time of confinement in a health care facility shall specify  
11 what constitutes a day of confinement or the number of  
12 consecutive hours of confinement that are requisite to the  
13 commencement of benefits.

14 SEC. 4. Section 1373.8 of the Health and Safety Code is  
15 amended to read:

16 1373.8. A health care service plan contract where the plan is  
17 licensed to do business in this state and the plan provides coverage  
18 that includes California residents but that may be written or issued  
19 for delivery outside of California and where benefits are provided  
20 within the scope of practice of a licensed clinical social worker, a  
21 registered nurse licensed pursuant to Chapter 6 (commencing with  
22 Section 2700) of Division 2 of the Business and Professions Code,  
23 who possesses a master's degree in psychiatric-mental health  
24 nursing and is listed as a psychiatric-mental health nurse by the  
25 Board of Registered Nursing, an advanced practice registered  
26 nurse who is certified as a clinical nurse specialist pursuant to  
27 Article 9 (commencing with Section 2838) of Chapter 6 of  
28 Division 2 of the Business and Professions Code who participates  
29 in expert clinical practice in the specialty of psychiatric-mental  
30 health nursing, or a marriage, family, and child counselor who is  
31 the holder of a license under Section 4980.50 of the Business and  
32 Professions Code, shall not be deemed to prohibit persons covered  
33 under the contract from selecting those licensed persons in  
34 California to perform the services in California that are within the  
35 terms of the contract even though the licensees are not licensed in  
36 the state where the contract is written or issued for delivery.

37 It is the intent of the Legislature in amending this section in the  
38 1984 portion of the 1983–84 Legislative Session that persons  
39 covered by the contract and those providers of health care  
40 specified in this section who are licensed in California should be



1 entitled to the benefits provided by the plan for services of those  
2 providers rendered to those persons.

3 SEC. 5. Section 10176 of the Insurance Code is amended to  
4 read:

5 10176. In disability insurance, the policy may provide for  
6 payment of medical, surgical, chiropractic, physical therapy,  
7 speech pathology, audiology, acupuncture, professional mental  
8 health, dental, hospital, or optometric expenses upon a  
9 reimbursement basis, or for the exclusion of any of those services,  
10 and provision may be made therein for payment of all or a portion  
11 of the amount of charge for these services without requiring that  
12 the insured first pay the expenses. The policy shall not prohibit the  
13 insured from selecting any psychologist or other person who is the  
14 holder of a certificate or license under Section 1000, 1634, 2050,  
15 2472, 2553, 2630, 2948, 3055, or 4938 of the Business and  
16 Professions Code, to perform the particular services covered under  
17 the terms of the policy, the certificate holder or licensee being  
18 expressly authorized by law to perform those services.

19 If the insured selects any person who is a holder of a certificate  
20 under Section 4938 of the Business and Professions Code, a  
21 disability insurer or nonprofit hospital service plan shall pay the  
22 bona fide claim of an acupuncturist holding a certificate pursuant  
23 to Section 4938 of the Business and Professions Code for the  
24 treatment of an insured person only if the insured's policy or  
25 contract expressly includes acupuncture as a benefit and includes  
26 coverage for the injury or illness treated. Unless the policy or  
27 contract expressly includes acupuncture as a benefit, no person  
28 who is the holder of any license or certificate set forth in this  
29 section shall be paid or reimbursed under the policy for  
30 acupuncture.

31 Nor shall the policy prohibit the insured, upon referral by a  
32 physician and surgeon licensed under Section 2050 of the Business  
33 and Professions Code, from selecting any licensed clinical social  
34 worker who is the holder of a license issued under Section 4996  
35 of the Business and Professions Code or any occupational therapist  
36 as specified in Section 2570.2 of the Business and Professions  
37 Code, or any marriage, family and child counselor who is the  
38 holder of a license under Section 4980.50 of the Business and  
39 Professions Code, to perform the particular services covered under  
40 the terms of the policy, or from selecting any speech-language



1 pathologist or audiologist licensed under Section 2532 of the  
2 Business and Professions Code or any registered nurse licensed  
3 pursuant to Chapter 6 (commencing with Section 2700) of  
4 Division 2 of the Business and Professions Code, who possesses  
5 a master's degree in psychiatric-mental health nursing and is listed  
6 as a psychiatric-mental health nurse by the Board of Registered  
7 Nursing or any advanced practice registered nurse certified as a  
8 clinical nurse specialist pursuant to Article 9 (commencing with  
9 Section 2838) of Chapter 6 of Division 2 of the Business and  
10 Professions Code who participates in expert clinical practice in the  
11 specialty of psychiatric-mental health nursing, or any respiratory  
12 care practitioner certified pursuant to Chapter 8.3 (commencing  
13 with Section 3700) of Division 2 of the Business and Professions  
14 Code to perform services deemed necessary by the referring  
15 physician, that certificate holder, licensee or otherwise regulated  
16 person, being expressly authorized by law to perform the services.

17 Nothing in this section shall be construed to allow any  
18 certificate holder or licensee enumerated in this section to perform  
19 professional mental health services beyond his or her field or fields  
20 of competence as established by his or her education, training, and  
21 experience. For the purposes of this section, "marriage, family and  
22 child counselor" means a licensed marriage, family and child  
23 counselor who has received specific instruction in assessment,  
24 diagnosis, prognosis, and counseling, and psychotherapeutic  
25 treatment of premarital, marriage, family, and child relationship  
26 dysfunctions that is equivalent to the instruction required for  
27 licensure on January 1, 1981.

28 An individual disability insurance policy, which is issued,  
29 renewed, or amended on or after January 1, 1988, which includes  
30 mental health services coverage may not include a lifetime waiver  
31 for that coverage with respect to any applicant. The lifetime waiver  
32 of coverage provision shall be deemed unenforceable.

33 SEC. 6. Section 10177 of the Insurance Code is amended to  
34 read:

35 10177. A self-insured employee welfare benefit plan may  
36 provide for payment of professional mental health expenses upon  
37 a reimbursement basis, or for the exclusion of those services, and  
38 provision may be made therein for payment of all or a portion of  
39 the amount of charge for those services without requiring that the  
40 employee first pay those expenses. The plan shall not prohibit the



1 employee from selecting any psychologist who is the holder of a  
2 certificate issued under Section 2948 of the Business and  
3 Professions Code or, upon referral by a physician and surgeon  
4 licensed under Section 2135 of the Business and Professions Code,  
5 any licensed clinical social worker who is the holder of a license  
6 issued under Section 4996 of the Business and Professions Code  
7 or any marriage, family, and child counselor who is the holder of  
8 a certificate or license under Section 4980.50 of the Business and  
9 Professions Code, or any registered nurse licensed pursuant to  
10 Chapter 6 (commencing with Section 2700) of Division 2 of the  
11 Business and Professions Code, who possesses a master's degree  
12 in psychiatric-mental health nursing and is listed as a  
13 psychiatric-mental health nurse by the Board of Registered  
14 Nursing or any advanced practice registered nurse certified as a  
15 clinical nurse specialist pursuant to Article 9 (commencing with  
16 Section 2838) of Chapter 6 of Division 2 of the Business and  
17 Professions Code who participates in expert clinical practice in the  
18 specialty of psychiatric-mental health nursing, to perform the  
19 particular services covered under the terms of the plan, the  
20 certificate or license holder being expressly authorized by law to  
21 perform these services.

22 Nothing in this section shall be construed to allow any  
23 certificate holder or licensee enumerated in this section to perform  
24 professional services beyond his or her field or fields of  
25 competence as established by his or her education, training, and  
26 experience. For the purposes of this section, "marriage, family,  
27 and child counselor" shall mean a licensed marriage, family, and  
28 child counselor who has received specific instruction in  
29 assessment, diagnosis, prognosis, and counseling, and  
30 psychotherapeutic treatment of premarital, marriage, family, and  
31 child relationship dysfunctions which is equivalent to the  
32 instruction required for licensure on January 1, 1981.

33 A self-insured employee welfare benefit plan, which is issued,  
34 renewed, or amended on or after January 1, 1988, that includes  
35 mental health services coverage in nongroup contracts may not  
36 include a lifetime waiver for that coverage with respect to any  
37 employee. The lifetime waiver of coverage provision shall be  
38 deemed unenforceable.

39 SEC. 7. Section 1.5 of this bill incorporates amendments to  
40 Section 1010 of the Evidence Code proposed by both this bill and



1 SB 716. It shall only become operative if (1) both bills are enacted  
2 and become effective on or before January 1, 2002, but this bill  
3 becomes operative first, (2) each bill amends Section 1010 of the  
4 Evidence Code, and (3) this bill is enacted after SB 716, in which  
5 case Section 1010 of the Evidence Code, as amended by Section  
6 1 of this bill, shall remain operative only until the operative date  
7 of SB 716, at which time Section 1.5 of this bill shall become  
8 operative.

9 SEC. 8. This act is an urgency statute necessary for the  
10 immediate preservation of the public peace, health, or safety  
11 within the meaning of Article IV of the Constitution and shall go  
12 into immediate effect. The facts constituting the necessity are:

13 The current shortage of registered nurses licensed to practice in  
14 this state requires the expansion of the scope of the description of  
15 this profession to include all nurses who are able to provide the  
16 services described in this act.

