

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 4, 2011

SENATE BILL

No. 747

Introduced by Senator Kehoe

February 18, 2011

An act to amend Sections 2190.1, 2811.5, 2892.5, 2915, 3524.5, 4517, 4980.54, and 4996.22 of, ~~and to add Section 2070.5 to,~~ the Business and Professions Code, and to amend Section 1337.3 of the Health and Safety Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Kehoe. Continuing education: lesbian, gay, bisexual, and transgender patients.

Existing law provides for licensing and regulation of various healing arts professions and generally requires licensees to complete continuing education courses in order to remain eligible to renew their licenses or certifications. Existing law imposes various training requirements for certified nurse assistants regulated by the State Department of Public Health.

This bill would require physicians and surgeons, physician assistants, registered nurses, licensed vocational nurses, nurse practitioners, psychologists, marriage and family therapists, licensed clinical social workers, psychiatric technicians, ~~medical assistants,~~ and certified nurse assistants to complete at least one course of 2 to 5 hours in duration that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons, as specified. The bill would require the applicable licensing or certifying entity to enforce these requirements. The new requirements would become effective on January 1, 2013.

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 2070.5 is added to the Business and~~
2 ~~Professions Code, to read:~~
3 ~~2070.5. On and after January 1, 2013, the board shall require~~
4 ~~all medical assistants to take at least one training course that~~
5 ~~provides instruction on cultural competency, sensitivity, and best~~
6 ~~practices for providing adequate care to lesbian, gay, bisexual, and~~
7 ~~transgender persons. The course shall be between two and five~~
8 ~~hours in duration and shall contain content similar to the content~~
9 ~~described in the publication of the Gay and Lesbian Medical~~
10 ~~Association entitled "Guidelines for Care of Lesbian, Gay, Bisexual~~
11 ~~and Transgender Patients." The board may specify the required~~
12 ~~contents of the course by regulation consistent with this section.~~
13 ~~The board shall enforce this requirement in the same manner as it~~
14 ~~enforces other requirements applicable to medical assistants.~~
15 ~~SEC. 2:~~
16 ~~SECTION 1. Section 2190.1 of the Business and Professions~~
17 ~~Code is amended to read:~~
18 ~~2190.1. (a) The continuing medical education standards of~~
19 ~~Section 2190 may be met by educational activities that meet the~~
20 ~~standards of the board and serve to maintain, develop, or increase~~
21 ~~the knowledge, skills, and professional performance that a~~
22 ~~physician and surgeon uses to provide care, or improve the quality~~
23 ~~of care provided for patients, including, but not limited to,~~
24 ~~educational activities that meet any of the following criteria:~~
25 ~~(1) Have a scientific or clinical content with a direct bearing on~~
26 ~~the quality or cost-effective provision of patient care, community~~
27 ~~or public health, or preventive medicine.~~
28 ~~(2) Concern quality assurance or improvement, risk~~
29 ~~management, health facility standards, or the legal aspects of~~
30 ~~clinical medicine.~~
31 ~~(3) Concern bioethics or professional ethics.~~
32 ~~(4) Are designed to improve the physician-patient relationship.~~
33 ~~(b) (1) On and after July 1, 2006, all continuing medical~~
34 ~~education courses shall contain curriculum that includes cultural~~
35 ~~and linguistic competency in the practice of medicine.~~

(2) Notwithstanding the provisions of paragraph (1), a continuing medical education course dedicated solely to research or other issues that does not include a direct patient care component and a course offered by a continuing medical education provider that is not located in this state are not required to contain curriculum that includes cultural and linguistic competency in the practice of medicine.

(3) Associations that accredit continuing medical education courses shall develop standards before July 1, 2006, for compliance with the requirements of paragraph (1). The associations may develop these standards in conjunction with an advisory group that has expertise in cultural and linguistic competency issues.

(4) A physician and surgeon who completes a continuing education course meeting the standards developed pursuant to paragraph (3) satisfies the continuing education requirement for cultural and linguistic competency.

(c) In order to satisfy the requirements of subdivision (b), continuing medical education courses shall address at least one or a combination of the following:

(1) Cultural competency. For the purposes of this section, “cultural competency” means a set of integrated attitudes, knowledge, and skills that enables a health care professional or organization to care effectively for patients from diverse cultures, groups, and communities. At a minimum, cultural competency is recommended to include the following:

(A) Applying linguistic skills to communicate effectively with the target population.

(B) Utilizing cultural information to establish therapeutic relationships.

(C) Eliciting and incorporating pertinent cultural data in diagnosis and treatment.

(D) Understanding and applying cultural and ethnic data to the process of clinical care.

(2) Linguistic competency. For the purposes of this section, “linguistic competency” means the ability of a physician and surgeon to provide patients who do not speak English or who have limited ability to speak English, direct communication in the patient’s primary language.

(3) A review and explanation of relevant federal and state laws and regulations regarding linguistic access, including, but not

1 limited to, the federal Civil Rights Act (42 U.S.C. Sec. 1981, et
2 seq.), Executive Order 13166 of August 11, 2000, of the President
3 of the United States, and the Dymally-Alatorre Bilingual Services
4 Act (Chapter 17.5 (commencing with Section 7290) of Division
5 7 of Title 1 of the Government Code).

6 (d) On and after January 1, 2013, the board shall require all of
7 its licensees under this chapter to take at least one continuing
8 education course that provides instruction on cultural competency,
9 sensitivity, and best practices for providing adequate care to
10 lesbian, gay, bisexual, and transgender persons. Persons licensed
11 by the board before January 1, 2013, shall complete the course no
12 later January 1, 2017. Persons who are newly licensed by the board
13 on and after January 1, 2013, shall complete the course within four
14 years of their initial license issuance date or their second license
15 renewal date, whichever occurs first. The course shall be between
16 two and five hours in duration and shall contain content similar to
17 the content described in the publication of the Gay and Lesbian
18 Medical Association entitled "Guidelines for Care of Lesbian,
19 Gay, Bisexual and Transgender Patients." The board may specify
20 the required contents of the course by regulation consistent with
21 this subdivision. The board shall enforce this requirement in the
22 same manner as it enforces other required continuing education
23 requirements.

24 (e) Notwithstanding subdivision (a), educational activities that
25 are not directed toward the practice of medicine, or are directed
26 primarily toward the business aspects of medical practice,
27 including, but not limited to, medical office management, billing
28 and coding, and marketing shall not be deemed to meet the
29 continuing medical education standards for licensed physicians
30 and surgeons.

31 (f) Educational activities that meet the content standards set
32 forth in this section and are accredited by the California Medical
33 Association or the Accreditation Council for Continuing Medical
34 Education may be deemed by the Division of Licensing to meet
35 its continuing medical education standards.

36 ~~SEC. 3.~~

37 *SEC. 2.* Section 2811.5 of the Business and Professions Code
38 is amended to read:

39 2811.5. (a) Each person renewing his or her license under
40 Section 2811 shall submit proof satisfactory to the board that,

1 during the preceding two-year period, he or she has been informed
2 of the developments in the registered nurse field or in any special
3 area of practice engaged in by the licensee, occurring since the
4 last renewal thereof, either by pursuing a course or courses of
5 continuing education in the registered nurse field or relevant to
6 the practice of the licensee, and approved by the board, or by other
7 means deemed equivalent by the board.

8 (b) For purposes of this section, the board shall, by regulation,
9 establish standards for continuing education. The standards shall
10 be established in a manner to assure that a variety of alternative
11 forms of continuing education are available to licensees, including,
12 but not limited to, academic studies, in-service education, institutes,
13 seminars, lectures, conferences, workshops, extension studies, and
14 home study programs. The standards shall take cognizance of
15 specialized areas of practice. The continuing education standards
16 established by the board shall not exceed 30 hours of direct
17 participation in a course or courses approved by the board, or its
18 equivalent in the units of measure adopted by the board.

19 (c) The board shall encourage continuing education in spousal
20 or partner abuse detection and treatment. In the event the board
21 establishes a requirement for continuing education coursework in
22 spousal or partner abuse detection or treatment, that requirement
23 shall be met by each licensee within no more than four years from
24 the date the requirement is imposed.

25 (d) In establishing standards for continuing education, the board
26 shall consider including a course in the special care needs of
27 individuals and their families facing end-of-life issues, including,
28 but not limited to, all of the following:

- 29 (1) Pain and symptom management.
- 30 (2) The psycho-social dynamics of death.
- 31 (3) Dying and bereavement.
- 32 (4) Hospice care.

33 (e) In establishing standards for continuing education, the board
34 may include a course on pain management.

35 (f) This section shall not apply to licensees during the first two
36 years immediately following their initial licensure in California
37 or any other governmental jurisdiction.

38 (g) On and after January 1, 2013, the board shall require all of
39 its licensees to take at least one continuing education course that
40 provides instruction on cultural competency, sensitivity, and best

1 practices for providing adequate care to lesbian, gay, bisexual, and
2 transgender persons. Persons licensed by the board before January
3 1, 2013, shall complete the course no later January 1, 2017. Persons
4 who are newly licensed by the board on and after January 1, 2013,
5 shall complete the course within four years of their initial license
6 issuance date or their second license renewal date, whichever
7 occurs first. The course shall be between two and five hours in
8 duration and shall contain content similar to the content described
9 in the publication of the Gay and Lesbian Medical Association
10 entitled "Guidelines for Care of Lesbian, Gay, Bisexual and
11 Transgender Patients." The board may specify the required contents
12 of the course by regulation consistent with this subdivision. The
13 board shall enforce this requirement in the same manner as it
14 enforces other required continuing education requirements.

15 (h) The board may, in accordance with the intent of this section,
16 make exceptions from continuing education requirements for
17 licensees residing in another state or country, or for reasons of
18 health, military service, or other good cause.

19 (i) This section shall apply to all persons licensed under this
20 chapter, including nurse practitioners.

21 ~~SEC. 4.~~

22 *SEC. 3.* Section 2892.5 of the Business and Professions Code
23 is amended to read:

24 2892.5. (a) Each person renewing his or her license under the
25 provisions of this chapter shall submit proof satisfactory to the
26 board that, during the preceding two-year period, he or she has
27 informed himself or herself of developments in the vocational
28 nurse field or in any special area of vocational nurse practice,
29 occurring since the issuance of his or her certificate, or the last
30 renewal thereof, whichever last occurred, either by pursuing a
31 course or courses of continuing education approved by the board
32 in the vocational nurse field or relevant to the practice of such
33 licensee, and approved by the board; or by other means deemed
34 equivalent by the board.

35 (b) For purposes of this section, the board shall, by regulation,
36 establish standards for continuing education. The standards shall
37 be established in a manner to assure that a variety of alternative
38 forms of continuing education are available to licensees including,
39 but not limited to, academic studies, in-service education, institutes,
40 seminars, lectures, conferences, workshops, extension studies, and

home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to the first license renewal following the initial issuance of a license.

(d) On and after January 1, 2013, the board shall require all of its licensees to take at least one continuing education course that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons. Persons licensed by the board before January 1, 2013, shall complete the course no later January 1, 2017. Persons who are newly licensed by the board on and after January 1, 2013, shall complete the course within four years of their initial license issuance date or their second license renewal date, whichever occurs first. The course shall be between two and five hours in duration and shall contain content similar to the content described in the publication of the Gay and Lesbian Medical Association entitled "Guidelines for Care of Lesbian, Gay, Bisexual and Transgender Patients." The board may specify the required contents of the course by regulation consistent with this subdivision. The board shall enforce this requirement in the same manner as it enforces other required continuing education requirements.

(e) The board may, in accordance with the intent of this section, make exceptions from continuing education for licensees residing in another state or country, or for reasons of health, military service, or other good cause.

~~SEC. 5.~~

SEC. 4. Section 2915 of the Business and Professions Code is amended to read:

2915. (a) Except as provided in this section, on or after January 1, 1996, the board shall not issue any renewal license unless the applicant submits proof that he or she has completed no less than 18 hours of approved continuing education in the preceding year. On or after January 1, 1997, except as provided in this section, the board shall issue renewal licenses only to those applicants who have completed 36 hours of approved continuing education in the preceding two years.

(b) Each person renewing his or her license issued pursuant to this chapter shall submit proof of compliance with this section to the board. False statements submitted pursuant to this section shall be a violation of Section 2970.

(c) A person applying for relicensure or for reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.

(d) (1) The continuing education requirement shall include, but shall not be limited to, courses required pursuant to Sections 25 and 28. The requirement may include courses pursuant to Sections 32 and 2914.1.

(2) (A) The board shall require a licensed psychologist who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

(B) Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under subdivision (a).

(C) A licensed psychologist whose practice does not include the direct provision of mental health services may apply to the board for an exemption from the requirements of this paragraph.

(3) Continuing education instruction approved to meet the requirements of this section shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent as approved by the board.

(e) The board may establish a policy for exceptions from the continuing education requirement of this section.

(f) The board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years' experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:

1 (1) Maintaining and managing related records and data.

2 (2) Monitoring and approving courses.

3 (g) The board shall adopt regulations as necessary for
4 implementation of this section.

5 (h) A licensed psychologist shall choose continuing education
6 instruction that is related to the assessment, diagnosis, and
7 intervention for the client population being served or to the fields
8 of psychology in which the psychologist intends to provide
9 services, that may include new theoretical approaches, research,
10 and applied techniques. Continuing education instruction shall
11 include required courses specified in subdivision (d).

12 (i) A psychologist shall not practice outside his or her particular
13 field or fields of competence as established by his or her education,
14 training, continuing education, and experience.

15 (j) On and after January 1, 2013, the board shall require every
16 person licensed under this chapter to take at least one continuing
17 education course that provides instruction on cultural competency,
18 sensitivity, and best practices for providing adequate care to
19 lesbian, gay, bisexual, and transgender persons. Persons licensed
20 by the board before January 1, 2013, shall complete the course no
21 later January 1, 2017. Persons who are newly licensed by the board
22 under this chapter on and after January 1, 2013, shall complete the
23 course within four years of their initial license issuance date or
24 their second license renewal date, whichever occurs first. The
25 course shall be between two and five hours in duration and shall
26 contain content similar to the content described in the publication
27 of the Gay and Lesbian Medical Association entitled "Guidelines
28 for Care of Lesbian, Gay, Bisexual and Transgender Patients."
29 The board may specify the required contents of the course by
30 regulation consistent with this subdivision. The board shall enforce
31 this requirement in the same manner as it enforces other required
32 continuing education requirements.

33 (k) The administration of this section may be funded through
34 professional license fees and continuing education provider and
35 course approval fees, or both. The fees related to the administration
36 of this section shall not exceed the costs of administering the
37 corresponding provisions of this section.

38 (l) Continuing education credit may be approved for those
39 licensees who serve as commissioners on any examination pursuant
40 to Section 2947, subject to limitations established by the board.

1 ~~SEC. 6.~~

2 *SEC. 5.* Section 3524.5 of the Business and Professions Code
3 is amended to read:

4 3524.5. (a) The committee may require a licensee to complete
5 continuing education as a condition of license renewal under
6 Section 3523 or 3524. The committee shall not require more than
7 50 hours of continuing education every two years. The committee
8 shall, as it deems appropriate, accept certification by the National
9 Commission on Certification of Physician Assistants (NCCPA),
10 or another qualified certifying body, as determined by the
11 committee, as evidence of compliance with continuing education
12 requirements.

13 (b) On and after January 1, 2013, the board shall require all of
14 its licensees under this chapter to take at least one continuing
15 education course that provides instruction on cultural competency,
16 sensitivity, and best practices for providing adequate care to
17 lesbian, gay, bisexual, and transgender persons. Persons licensed
18 by the board before January 1, 2013, shall complete the course no
19 later January 1, 2017. Persons who are newly licensed by the board
20 on and after January 1, 2013, shall complete the course within four
21 years of their initial license issuance date or their second license
22 renewal date, whichever occurs first. The course shall be between
23 two and five hours in duration and shall contain content similar to
24 the content described in the publication of the Gay and Lesbian
25 Medical Association entitled “Guidelines for Care of Lesbian,
26 Gay, Bisexual and Transgender Patients.” The board may specify
27 the required contents of the course by regulation consistent with
28 this subdivision. The board shall enforce this requirement in the
29 same manner as it enforces other required continuing education
30 requirements.

31 ~~SEC. 7.~~

32 *SEC. 6.* Section 4517 of the Business and Professions Code is
33 amended to read:

34 4517. (a) The board may, in its discretion, provide for a
35 continuing education program in connection with the professional
36 functions and courses described in this chapter. The number of
37 course hours that the board may require in a continuing education
38 program shall not exceed the number of course hours prescribed
39 for licensed vocational nurses pursuant to Section 2892.5.

(b) On and after January 1, 2013, the board shall require all of its licensees to take at least one continuing education course that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons. Persons licensed by the board before January 1, 2013, shall complete the course no later January 1, 2017. Persons who are newly licensed by the board on and after January 1, 2013, shall complete the course within four years of their initial license issuance date or their second license renewal date, whichever occurs first. The course shall be between two and five hours in duration and shall contain content similar to the content described in the publication of the Gay and Lesbian Medical Association entitled “Guidelines for Care of Lesbian, Gay, Bisexual and Transgender Patients.” The board may specify the required contents of the course by regulation consistent with this subdivision. The board shall enforce this requirement in the same manner as it enforces other required continuing education requirements.

~~SEC. 8.~~

SEC. 7. Section 4980.54 of the Business and Professions Code is amended to read:

4980.54. (a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to assure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of

1 required continuing education coursework for a minimum of two
2 years and shall make these records available to the board for
3 auditing purposes upon request.

4 (e) The board may establish exceptions from the continuing
5 education requirements of this section for good cause, as defined
6 by the board.

7 (f) The continuing education shall be obtained from one of the
8 following sources:

9 (1) An accredited school or state-approved school that meets
10 the requirements set forth in Section 4980.36 or 4980.37. Nothing
11 in this paragraph shall be construed as requiring coursework to be
12 offered as part of a regular degree program.

13 (2) Other continuing education providers, including, but not
14 limited to, a professional marriage and family therapist association,
15 a licensed health facility, a governmental entity, a continuing
16 education unit of an accredited four-year institution of higher
17 learning, or a mental health professional association, approved by
18 the board.

19 (g) The board shall establish, by regulation, a procedure for
20 approving providers of continuing education courses, and all
21 providers of continuing education, as described in paragraphs (1)
22 and (2) of subdivision (f), shall adhere to procedures established
23 by the board. The board may revoke or deny the right of a provider
24 to offer continuing education coursework pursuant to this section
25 for failure to comply with the requirements of this section or any
26 regulation adopted pursuant to this section.

27 (h) Training, education, and coursework by approved providers
28 shall incorporate one or more of the following:

29 (1) Aspects of the discipline that are fundamental to the
30 understanding or the practice of marriage and family therapy.

31 (2) Aspects of the discipline of marriage and family therapy in
32 which significant recent developments have occurred.

33 (3) Aspects of other disciplines that enhance the understanding
34 or the practice of marriage and family therapy.

35 (i) A system of continuing education for licensed marriage and
36 family therapists shall include courses directly related to the
37 diagnosis, assessment, and treatment of the client population being
38 served.

39 (j) On and after January 1, 2013, the board shall require all of
40 its licensees to take at least one continuing education course that

1 provides instruction on cultural competency, sensitivity, and best
2 practices for providing adequate care to lesbian, gay, bisexual, and
3 transgender persons. Persons licensed by the board before January
4 1, 2013, shall complete the course no later January 1, 2017. Persons
5 who are newly licensed by the board on and after January 1, 2013,
6 shall complete the course within four years of their initial license
7 issuance date or their second license renewal date, whichever
8 occurs first. The course shall be between two and five hours in
9 duration and shall contain content similar to the content described
10 in the publication of the Gay and Lesbian Medical Association
11 entitled "Guidelines for Care of Lesbian, Gay, Bisexual and
12 Transgender Patients." The board may specify the required contents
13 of the course by regulation consistent with this subdivision. The
14 board shall enforce this requirement in the same manner as it
15 enforces other required continuing education requirements.

16 (k) The board shall, by regulation, fund the administration of
17 this section through continuing education provider fees to be
18 deposited in the Behavioral Sciences Fund. The fees related to the
19 administration of this section shall be sufficient to meet, but shall
20 not exceed, the costs of administering the corresponding provisions
21 of this section. For purposes of this subdivision, a provider of
22 continuing education as described in paragraph (1) of subdivision
23 (f) shall be deemed to be an approved provider.

24 (l) The continuing education requirements of this section shall
25 comply fully with the guidelines for mandatory continuing
26 education established by the Department of Consumer Affairs
27 pursuant to Section 166.

28 ~~SEC. 9.~~

29 *SEC. 8.* Section 4996.22 of the Business and Professions Code
30 is amended to read:

31 4996.22. (a) (1) Except as provided in subdivision (c), the
32 board shall not renew any license pursuant to this chapter unless
33 the applicant certifies to the board, on a form prescribed by the
34 board, that he or she has completed not less than 36 hours of
35 approved continuing education in or relevant to the field of social
36 work in the preceding two years, as determined by the board.

37 (2) The board shall not renew any license of an applicant who
38 began graduate study prior to January 1, 2004, pursuant to this
39 chapter unless the applicant certifies to the board that during the
40 applicant's first renewal period after the operative date of this

1 section, he or she completed a continuing education course in
2 spousal or partner abuse assessment, detection, and intervention
3 strategies, including community resources, cultural factors, and
4 same gender abuse dynamics. On and after January 1, 2005, the
5 course shall consist of not less than seven hours of training.
6 Equivalent courses in spousal or partner abuse assessment,
7 detection, and intervention strategies taken prior to the operative
8 date of this section or proof of equivalent teaching or practice
9 experience may be submitted to the board and at its discretion,
10 may be accepted in satisfaction of this requirement. Continuing
11 education courses taken pursuant to this paragraph shall be applied
12 to the 36 hours of approved continuing education required under
13 paragraph (1).

14 (b) The board shall have the right to audit the records of any
15 applicant to verify the completion of the continuing education
16 requirement. Applicants shall maintain records of completion of
17 required continuing education coursework for a minimum of two
18 years and shall make these records available to the board for
19 auditing purposes upon request.

20 (c) The board may establish exceptions from the continuing
21 education requirement of this section for good cause as defined
22 by the board.

23 (d) The continuing education shall be obtained from one of the
24 following sources:

25 (1) An accredited school of social work, as defined in Section
26 4991.2, or a school or department of social work that is a candidate
27 for accreditation by the Commission on Accreditation of the
28 Council on Social Work Education. Nothing in this paragraph shall
29 be construed as requiring coursework to be offered as part of a
30 regular degree program.

31 (2) Other continuing education providers, including, but not
32 limited to, a professional social work association, a licensed health
33 facility, a governmental entity, a continuing education unit of an
34 accredited four-year institution of higher learning, and a mental
35 health professional association, approved by the board.

36 (e) The board shall establish, by regulation, a procedure for
37 approving providers of continuing education courses, and all
38 providers of continuing education, as described in paragraphs (1)
39 and (2) of subdivision (d), shall adhere to the procedures
40 established by the board. The board may revoke or deny the right

1 of a provider to offer continuing education coursework pursuant
2 to this section for failure to comply with the requirements of this
3 section or any regulation adopted pursuant to this section.

4 (f) Training, education, and coursework by approved providers
5 shall incorporate one or more of the following:

6 (1) Aspects of the discipline that are fundamental to the
7 understanding, or the practice, of social work.

8 (2) Aspects of the social work discipline in which significant
9 recent developments have occurred.

10 (3) Aspects of other related disciplines that enhance the
11 understanding, or the practice, of social work.

12 (g) A system of continuing education for licensed clinical social
13 workers shall include courses directly related to the diagnosis,
14 assessment, and treatment of the client population being served.

15 (h) The continuing education requirements of this section shall
16 comply fully with the guidelines for mandatory continuing
17 education established by the Department of Consumer Affairs
18 pursuant to Section 166.

19 (i) On and after January 1, 2013, the board shall require all of
20 its licensees to take at least one continuing education course that
21 provides instruction on cultural competency, sensitivity, and best
22 practices for providing adequate care to lesbian, gay, bisexual, and
23 transgender persons. Persons licensed by the board before January
24 1, 2013, shall complete the course no later January 1, 2017. Persons
25 who are newly licensed by the board on and after January 1, 2013,
26 shall complete the course within four years of their initial license
27 issuance date or their second license renewal date, whichever
28 occurs first. The course shall be between two and five hours in
29 duration and shall contain content similar to the content described
30 in the publication of the Gay and Lesbian Medical Association
31 entitled "Guidelines for Care of Lesbian, Gay, Bisexual and
32 Transgender Patients." The board may specify the required contents
33 of the course by regulation consistent with this subdivision. The
34 board shall enforce this requirement in the same manner as it
35 enforces other required continuing education requirements.

36 (j) The board may adopt regulations as necessary to implement
37 this section.

38 (k) The board shall, by regulation, fund the administration of
39 this section through continuing education provider fees to be
40 deposited in the Behavioral Science Examiners Fund. The fees

1 related to the administration of this section shall be sufficient to
2 meet, but shall not exceed, the costs of administering the
3 corresponding provisions of this section. For purposes of this
4 subdivision, a provider of continuing education as described in
5 paragraph (1) of subdivision (d) shall be deemed to be an approved
6 provider.

7 ~~SEC. 10.~~

8 *SEC. 9.* Section 1337.3 of the Health and Safety Code is
9 amended to read:

10 1337.3. (a) The state department shall prepare and maintain
11 a list of approved training programs for nurse assistant certification.
12 The list shall include training programs conducted by skilled
13 nursing or intermediate care facilities, as well as local agencies
14 and education programs. In addition, the list shall include
15 information on whether a training center is currently training nurse
16 assistants, their competency test pass rates, and the number of
17 nurse assistants they have trained. Clinical portions of the training
18 programs may be obtained as on-the-job training, supervised by a
19 qualified director of staff development or licensed nurse.

20 (b) It shall be the duty of the state department to inspect a
21 representative sample of training programs. The state department
22 shall protect consumers and students in any training program
23 against fraud, misrepresentation, or other practices that may result
24 in improper or excessive payment of funds paid for training
25 programs. In evaluating a training center's training program, the
26 state department shall examine each training center's trainees'
27 competency test passage rate, and require each program to maintain
28 an average 60 percent test score passage rate to maintain its
29 participation in the program. The average test score passage rate
30 shall be calculated over a two-year period. If the state department
31 determines that any training program is not complying with
32 regulations or is not meeting the competency passage rate
33 requirements, notice thereof in writing shall be immediately given
34 to the program. If the program has not been brought into
35 compliance within a reasonable time, the program may be removed
36 from the approved list and notice thereof in writing given to it.
37 Programs removed under this article shall be afforded an
38 opportunity to request reinstatement of program approval at any
39 time. The state department's district offices shall inspect
40 facility-based centers as part of their annual survey.

1 (c) Notwithstanding Section 1337.1, the approved training
2 program shall consist of at least the following:

3 (1) A 16-hour orientation program to be given to newly
4 employed nurse assistants prior to providing direct patient care,
5 and consistent with federal training requirements for facilities
6 participating in the Medicare or Medicaid programs.

7 (2) (A) A certification training program consisting of at least
8 60 classroom hours of training on basic nursing skills, patient
9 safety and rights, the social and psychological problems of patients,
10 and elder abuse recognition and reporting pursuant to subdivision
11 (e) of Section 1337.1. The 60 classroom hours of training may be
12 conducted within a skilled nursing facility, an intermediate care
13 facility, or an educational institution.

14 (B) In addition to the 60 classroom hours of training required
15 under subparagraph (A), the certification program shall also consist
16 of 100 hours of supervised and on-the-job training clinical practice.
17 The 100 hours may consist of normal employment as a nurse
18 assistant under the supervision of either the director of staff
19 development or a licensed nurse qualified to provide nurse assistant
20 training who has no other assigned duties while providing the
21 training.

22 (3) At least two hours of the 60 hours of classroom training and
23 at least four hours of the 100 hours of the supervised clinical
24 training shall address the special needs of persons with
25 developmental and mental disorders, including mental retardation,
26 Alzheimer's disease, cerebral palsy, epilepsy, dementia,
27 Parkinson's disease, and mental illness.

28 (4) On and after January 1, 2013, at least two, but not more than
29 five, hours of the classroom training shall provide instruction on
30 cultural competency, sensitivity, and best practices for providing
31 adequate care to lesbian, gay, bisexual, and transgender persons.
32 Persons certified by the state department under this article before
33 January 1, 2013, shall complete the course no later January 1,
34 2017. Persons who are newly certified by the state department
35 under this article on and after January 1, 2013, shall complete the
36 course within four years of their initial certificate issuance date or
37 their second certificate renewal date, whichever occurs first. The
38 instruction shall contain content similar to the content described
39 in the publication of the Gay and Lesbian Medical Association
40 entitled "Guidelines for Care of Lesbian, Gay, Bisexual and

Transgender Patients.” The state department may specify the required contents of the course by regulation consistent with this paragraph. The state department shall enforce this requirement in the same manner as it enforces other required training requirements.

(d) The state department, in consultation with the State Department of Education and other appropriate organizations, shall develop criteria for approving training programs, that includes program content for orientation, training, inservice and the examination for testing knowledge and skills related to basic patient care services and shall develop a plan that identifies and encourages career ladder opportunities for certified nurse assistants. This group shall also recommend, and the department shall adopt, regulation changes necessary to provide for patient care when facilities utilize noncertified nurse assistants who are performing direct patient care. The requirements of this subdivision shall be established by January 1, 1989.

(e) On or before January 1, 2004, the state department, in consultation with the State Department of Education, the American Red Cross, and other appropriate organizations, shall do the following:

(1) Review the current examination for approved training programs for certified nurse assistants to ensure the accurate assessment of whether a nurse assistant has obtained the required knowledge and skills related to basic patient care services.

(2) Develop a plan that identifies and encourages career ladder opportunities for certified nurse assistants, including the application of on-the-job post-certification hours to educational credits.

(f) A skilled nursing or intermediate care facility shall determine the number of specific clinical hours within each module identified by the state department required to meet the requirements of subdivision (d), subject to subdivisions (b) and (c). The facility shall consider the specific hours recommended by the state department when adopting the certification training program required by this chapter.

(g) This article shall not apply to a program conducted by any church or denomination for the purpose of training the adherents of the church or denomination in the care of the sick in accordance with its religious tenets.

(h) The Chancellor of the California Community Colleges shall provide to the state department a standard process for approval of

- 1 college credit. The state department shall make this information
- 2 available to all training programs in the state.

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