

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN ASSEMBLY JUNE 13, 2011

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 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, 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, *with certain exceptions*. The bill would *generally* require the applicable licensing or certifying entity to enforce these requirements, *with certain exceptions*. 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 2190.1 of the Business and Professions
- 2 Code is amended to read:
- 3 2190.1. (a) The continuing medical education standards of
- 4 Section 2190 may be met by educational activities that meet the
- 5 standards of the board and serve to maintain, develop, or increase
- 6 the knowledge, skills, and professional performance that a
- 7 physician and surgeon uses to provide care, or improve the quality
- 8 of care provided for patients, including, but not limited to,
- 9 educational activities that meet any of the following criteria:
- 10 (1) Have a scientific or clinical content with a direct bearing on
- 11 the quality or cost-effective provision of patient care, community
- 12 or public health, or preventive medicine.
- 13 (2) Concern quality assurance or improvement, risk
- 14 management, health facility standards, or the legal aspects of
- 15 clinical medicine.
- 16 (3) Concern bioethics or professional ethics.
- 17 (4) Are designed to improve the physician-patient relationship.
- 18 (b) (1) On and after July 1, 2006, all continuing medical
- 19 education courses shall contain curriculum that includes cultural
- 20 and linguistic competency in the practice of medicine.
- 21 (2) Notwithstanding the provisions of paragraph (1), a
- 22 continuing medical education course dedicated solely to research
- 23 or other issues that does not include a direct patient care component
- 24 and a course offered by a continuing medical education provider
- 25 that is not located in this state are not required to contain
- 26 curriculum that includes cultural and linguistic competency in the
- 27 practice of medicine.
- 28 (3) Associations that accredit continuing medical education
- 29 courses shall develop standards before July 1, 2006, for compliance
- 30 with the requirements of paragraph (1). The associations may

1 develop these standards in conjunction with an advisory group that
2 has expertise in cultural and linguistic competency issues.

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

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

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

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

18 (B) Utilizing cultural information to establish therapeutic
19 relationships.

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

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

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

29 (3) A review and explanation of relevant federal and state laws
30 and regulations regarding linguistic access, including, but not
31 limited to, the federal Civil Rights Act (42 U.S.C. Sec. 1981, et
32 seq.), Executive Order 13166 of August 11, 2000, of the President
33 of the United States, and the Dymally-Alatorre Bilingual Services
34 Act (Chapter 17.5 (commencing with Section 7290) of Division
35 7 of Title 1 of the Government Code).

36 (d) (1) On and after January 1, 2013, the board shall require all
37 of its licensees under this chapter to take at least one continuing
38 education course that provides instruction on cultural competency,
39 sensitivity, and best practices for providing adequate care to
40 lesbian, gay, bisexual, and transgender persons. Persons licensed

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

14 *(2) By regulatory action the board may exempt physicians and*
15 *surgeons by practice status category from the requirements of this*
16 *subdivision if the physician and surgeons does not engage in direct*
17 *patient care, does not provide patient consultations, or does not*
18 *reside in the State of California.*

19 *(3) This subdivision shall not apply to physicians and surgeons*
20 *practicing in pathology or radiology specialty areas.*

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

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

33 SEC. 2. Section 2811.5 of the Business and Professions Code
34 is amended to read:

35 2811.5. (a) Each person renewing his or her license under
36 Section 2811 shall submit proof satisfactory to the board that,
37 during the preceding two-year period, he or she has been informed
38 of the developments in the registered nurse field or in any special
39 area of practice engaged in by the licensee, occurring since the
40 last renewal thereof, either by pursuing a course or courses of

1 continuing education in the registered nurse field or relevant to
2 the practice of the licensee, and approved by the board, or by other
3 means deemed equivalent by the board.

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

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

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

- 25 (1) Pain and symptom management.
- 26 (2) The psycho-social dynamics of death.
- 27 (3) Dying and bereavement.
- 28 (4) Hospice care.

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

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

34 (g) On and after January 1, 2013, ~~the board shall require all of~~
35 ~~its licensees to~~ *all persons licensed by the board shall* take at least
36 one continuing education course that provides instruction on
37 cultural competency, sensitivity, and best practices for providing
38 adequate care to lesbian, gay, bisexual, and transgender persons.
39 Persons licensed by the board before January 1, 2013, shall
40 complete the course no later than January 1, 2018. Persons who

1 are newly licensed by the board on and after January 1, 2013, shall
2 complete the course before their third license renewal date. The
3 course shall be between two and five hours in duration and shall
4 contain content similar to the content described in the publication
5 of the Gay and Lesbian Medical Association entitled “Guidelines
6 for Care of Lesbian, Gay, Bisexual, and Transgender Patients.”
7 The board may specify the required contents of the course by
8 regulation consistent with this subdivision. The board shall not
9 enforce this requirement ~~in the same manner as it enforces other~~
10 ~~required continuing education requirements, and shall instead~~
11 ~~request all persons licensed by the board to disclose on the renewal~~
12 ~~form or a supplemental form whether they have complied with~~
13 ~~this requirement. nor shall the board ensure compliance of~~
14 ~~licensees except to inform licensees that this requirement exists~~
15 ~~and that proof of compliance must be submitted during the license~~
16 ~~renewal process.~~

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

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

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

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

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

1 seminars, lectures, conferences, workshops, extension studies, and
2 home study programs. The standards shall take cognizance of
3 specialized areas of practice. The continuing education standards
4 established by the board shall not exceed 30 hours of direct
5 participation in a course or courses approved by the board, or its
6 equivalent in the units of measure adopted by the board.

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

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

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

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

33 2915. (a) Except as provided in this section, on or after January
34 1, 1996, the board shall not issue any renewal license unless the
35 applicant submits proof that he or she has completed no less than
36 18 hours of approved continuing education in the preceding year.
37 On or after January 1, 1997, except as provided in this section, the
38 board shall issue renewal licenses only to those applicants who
39 have completed 36 hours of approved continuing education in the
40 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 than January 1, 2017. Persons who are newly licensed by the
22 board under this chapter on and after January 1, 2013, shall
23 complete the course within four years of their initial license
24 issuance date or their second license renewal date, whichever
25 occurs first. The course shall be between two and five hours in
26 duration and shall contain content similar to the content described
27 in the publication of the Gay and Lesbian Medical Association
28 entitled “Guidelines for Care of Lesbian, Gay, Bisexual, and
29 Transgender Patients.” The board may specify the required contents
30 of the course by regulation consistent with this subdivision. The
31 board shall enforce this requirement in the same manner as it
32 enforces other required 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. 5. Section 3524.5 of the Business and Professions Code
2 is amended to read:

3 3524.5. (a) The committee may require a licensee to complete
4 continuing education as a condition of license renewal under
5 Section 3523 or 3524. The committee shall not require more than
6 50 hours of continuing education every two years. The committee
7 shall, as it deems appropriate, accept certification by the National
8 Commission on Certification of Physician Assistants (NCCPA),
9 or another qualified certifying body, as determined by the
10 committee, as evidence of compliance with continuing education
11 requirements.

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

30 SEC. 6. Section 4517 of the Business and Professions Code is
31 amended to read:

32 4517. (a) The board may, in its discretion, provide for a
33 continuing education program in connection with the professional
34 functions and courses described in this chapter. The number of
35 course hours that the board may require in a continuing education
36 program shall not exceed the number of course hours prescribed
37 for licensed vocational nurses pursuant to Section 2892.5.

38 (b) 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 than January 1, 2017.
4 Persons who are newly licensed by the board on and after January
5 1, 2013, shall complete the course within four years of their initial
6 license issuance date or their second license renewal date,
7 whichever occurs first. 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,
11 Bisexual, and Transgender Patients." The board may specify the
12 required contents of the course by regulation consistent with this
13 subdivision. The board shall enforce this requirement in the same
14 manner as it enforces other required continuing education
15 requirements.

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

18 4980.54. (a) The Legislature recognizes that the education and
19 experience requirements in this chapter constitute only minimal
20 requirements to ensure that an applicant is prepared and qualified
21 to take the licensure examinations as specified in subdivision (d)
22 of Section 4980.40 and, if he or she passes those examinations, to
23 begin practice.

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

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

35 (d) The board shall have the right to audit the records of any
36 applicant to verify the completion of the continuing education
37 requirement. Applicants shall maintain records of completion of
38 required continuing education coursework for a minimum of two
39 years and shall make these records available to the board for
40 auditing purposes upon request.

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

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

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

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

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

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

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

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

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

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

36 (j) On and after January 1, 2013, the board shall require all of
37 its licensees to take at least one continuing education course that
38 provides instruction on cultural competency, sensitivity, and best
39 practices for providing adequate care to lesbian, gay, bisexual, and
40 transgender persons. Persons licensed by the board before January

1, 2013, shall complete the course no later than 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.

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

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

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

4996.22. (a) (1) Except as provided in subdivision (c), 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 social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant’s first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and

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

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

17 (c) The board may establish exceptions from the continuing
18 education requirement of this section for good cause as defined
19 by the board.

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

22 (1) An accredited school of social work, as defined in Section
23 4991.2, or a school or department of social work that is a candidate
24 for accreditation by the Commission on Accreditation of the
25 Council on Social Work Education. Nothing in this paragraph shall
26 be construed as requiring coursework to be offered as part of a
27 regular degree program.

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

33 (e) The board shall establish, by regulation, a procedure for
34 approving providers of continuing education courses, and all
35 providers of continuing education, as described in paragraphs (1)
36 and (2) of subdivision (d), shall adhere to the procedures
37 established by the board. The board may revoke or deny the right
38 of a provider to offer continuing education coursework pursuant
39 to this section for failure to comply with the requirements of this
40 section or any regulation adopted pursuant to this section.

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

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

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

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

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

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

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

34 (j) The board may adopt regulations as necessary to implement
35 this section.

36 (k) The board shall, by regulation, fund the administration of
37 this section through continuing education provider fees to be
38 deposited in the Behavioral Science Examiners Fund. The fees
39 related to the administration of this section shall be sufficient to
40 meet, but shall not exceed, the costs of administering the

1 corresponding provisions of this section. For purposes of this
2 subdivision, a provider of continuing education as described in
3 paragraph (1) of subdivision (d) shall be deemed to be an approved
4 provider.

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

7 1337.3. (a) The state department shall prepare and maintain
8 a list of approved training programs for nurse assistant certification.
9 The list shall include training programs conducted by skilled
10 nursing or intermediate care facilities, as well as local agencies
11 and education programs. In addition, the list shall include
12 information on whether a training center is currently training nurse
13 assistants, their competency test pass rates, and the number of
14 nurse assistants they have trained. Clinical portions of the training
15 programs may be obtained as on-the-job training, supervised by a
16 qualified director of staff development or licensed nurse.

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

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

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

5 (2) (A) A certification training program consisting of at least
6 60 classroom hours of training on basic nursing skills, patient
7 safety and rights, the social and psychological problems of patients,
8 and elder abuse recognition and reporting pursuant to subdivision
9 (e) of Section 1337.1. The 60 classroom hours of training may be
10 conducted within a skilled nursing facility, an intermediate care
11 facility, or an educational institution.

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

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

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

1 paragraph. The state department shall enforce this requirement in
2 the same manner as it enforces other required training requirements.

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

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

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

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

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

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

37 (h) The Chancellor of the California Community Colleges shall
38 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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