SB 747 (Kehoe) – Continuing Education: Lesbian, Gay, Bisexual, and Transgender (LGBT) Patients

Introduced February 18, 2011, Amended April 25, 2011

This bill would require physicians and surgeons, registered nurses, licensed vocational nurses, psychologists, physician assistants, psychiatric technicians, marriage and family therapists, and clinical social workers, 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 (LGBT) on and after January 1, 2013, as specified.

This bill specifies that practitioners licensed by these boards before January 1, 2013 must complete the course no later than January 1, 2017; and requires that persons who are newly licensed on and after January 1, 2013 to complete the course within four years of initial license issuance date or their second license renewal date, whichever occurs first.

This bill would require that the CE course be between two and five hours in duration and contain content similar to the content described in the publication of the Gay and Lesbian Medical Association, as specified. This bill would allow the specified healing arts boards to specify the required contents of the course by regulation, and to enforce these requirements in the same manner as other required CE requirements are enforced.
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


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

SECTION 1. Section 2070.5 is added to the Business and Professions Code, to read:

2070.5. On and after January 1, 2013, the board shall require all medical assistants to take at least one training course that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons. 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 section. The board shall enforce this requirement in the same manner as it enforces other requirements applicable to medical assistants.

SECTION 2. Section 2190.1 of the Business and Professions Code is amended to read:

2190.1. (a) The continuing medical education standards of Section 2190 may be met by educational activities that meet the standards of the board and serve to maintain, develop, or increase the knowledge, skills, and professional performance that a physician and surgeon uses to provide care, or improve the quality of care provided for patients, including, but not limited to, educational activities that meet any of the following criteria:

(1) Have a scientific or clinical content with a direct bearing on the quality or cost-effective provision of patient care, community or public health, or preventive medicine.

(2) Concern quality assurance or improvement, risk management, health facility standards, or the legal aspects of clinical medicine.

(3) Concern bioethics or professional ethics.

(4) Are designed to improve the physician-patient relationship.

(b) (1) On and after July 1, 2006, all continuing medical education courses shall contain curriculum that includes cultural 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
limited to, the federal Civil Rights Act (42 U.S.C. Sec. 1981, et seq.), Executive Order 13166 of August 11, 2000, of the President of the United States, and the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code).

(d) On and after January 1, 2013, the board shall require all of its licensees under this chapter 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) Notwithstanding subdivision (a), educational activities that are not directed toward the practice of medicine, or are directed primarily toward the business aspects of medical practice, including, but not limited to, medical office management, billing and coding, and marketing shall not be deemed to meet the continuing medical education standards for licensed physicians and surgeons.

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

SEC. 3:

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

2811.5. (a) Each person renewing his or her license under Section 2811 shall submit proof satisfactory to the board that,
during the preceding two-year period, he or she has been informed
of the developments in the registered nurse field or in any special
area of practice engaged in by the licensee, occurring since the
last renewal thereof, either by pursuing a course or courses of
continuing education in the registered nurse field or relevant to
the practice of the licensee, and approved by the board, or by other
means deemed equivalent by the board.

(b) For purposes of this section, the board shall, by regulation,
establish standards for continuing education. The standards shall
be established in a manner to assure that a variety of alternative
forms of continuing education are available to licensees, including,
but not limited to, academic studies, in-service education, institutes,
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) The board shall encourage continuing education in spousal
or partner abuse detection and treatment. In the event the board
establishes a requirement for continuing education coursework in
spousal or partner abuse detection or treatment, that requirement
shall be met by each licensee within no more than four years from
the date the requirement is imposed.

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

1. Pain and symptom management.
2. The psycho-social dynamics of death.
3. Dying and bereavement.
4. Hospice care.

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

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

(g) 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.

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

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

SEC. 4. Section 2892.5 of the Business and Professions Code is amended to read:

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

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

(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. 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) Maintaining and managing related records and data.
(2) Monitoring and approving courses.
(g) The board shall adopt regulations as necessary for implementation of this section.
(h) A licensed psychologist shall choose continuing education instruction that is related to the assessment, diagnosis, and intervention for the client population being served or to the fields of psychology in which the psychologist intends to provide services, that may include new theoretical approaches, research, and applied techniques. Continuing education instruction shall include required courses specified in subdivision (d).
(i) A psychologist shall not practice outside his or her particular field or fields of competence as established by his or her education, training, continuing education, and experience.
(j) On and after January 1, 2013, the board shall require every person licensed under this chapter 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 than January 1, 2017. Persons who are newly licensed by the board under this chapter 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 administration of this section may be funded through professional license fees and continuing education provider and course approval fees, or both. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.
(l) Continuing education credit may be approved for those licensees who serve as commissioners on any examination pursuant to Section 2947, subject to limitations established by the board.
SEC. 6.
SEC. 5. Section 3524.5 of the Business and Professions Code is amended to read:
3524.5. (a) The committee may require a licensee to complete continuing education as a condition of license renewal under Section 3523 or 3524. The committee shall not require more than 50 hours of continuing education every two years. The committee shall, as it deems appropriate, accept certification by the National Commission on Certification of Physician Assistants (NCCPA), or another qualified certifying body, as determined by the committee, as evidence of compliance with continuing education requirements.
(b) On and after January 1, 2013, the board shall require all of its licensees under this chapter 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 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.
SEC. 6. Section 4517 of the Business and Professions Code is amended to read:
4517. (a) The board may, in its discretion, provide for a continuing education program in connection with the professional functions and courses described in this chapter. The number of course hours that the board may require in a continuing education program shall not exceed the number of course hours prescribed 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
required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

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

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

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

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

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

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

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

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

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

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

(j) 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.

(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. 9.

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
same gender abuse dynamics. On and after January 1, 2005, the
course shall consist of not less than seven hours of training.
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. Continuing
education courses taken pursuant to this paragraph shall be applied
to the 36 hours of approved continuing education required under
paragraph (1).
(b) 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
required continuing education coursework for a minimum of two
years and shall make these records available to the board for
auditing purposes upon request.
(c) The board may establish exceptions from the continuing
education requirement of this section for good cause as defined
by the board.
(d) The continuing education shall be obtained from one of the
following sources:
(1) An accredited school of social work, as defined in Section
4991.2, or a school or department of social work that is a candidate
for accreditation by the Commission on Accreditation of the
Council on Social Work Education. Nothing in this paragraph shall
be construed as requiring coursework to be offered as part of a
regular degree program.
(2) Other continuing education providers, including, but not
limited to, a professional social work association, a licensed health
facility, a governmental entity, a continuing education unit of an
accredited four-year institution of higher learning, and a mental
health professional association, approved by the board.
(e) The board shall establish, by regulation, a procedure for
approving providers of continuing education courses, and all
providers of continuing education, as described in paragraphs (1)
and (2) of subdivision (d), shall adhere to the procedures
established by the board. The board may revoke or deny the right
of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

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

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

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

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

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

(h) 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.

(i) 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.

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

(k) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Science Examiners 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 (d) shall be deemed to be an approved
provider.
SEC. 10.
SEC. 9. Section 1337.3 of the Health and Safety Code is
amended to read:
1337.3. (a) The state department shall prepare and maintain
a list of approved training programs for nurse assistant certification.
The list shall include training programs conducted by skilled
nursing or intermediate care facilities, as well as local agencies
and education programs. In addition, the list shall include
information on whether a training center is currently training nurse
assistants, their competency test pass rates, and the number of
nurse assistants they have trained. Clinical portions of the training
programs may be obtained as on-the-job training, supervised by a
qualified director of staff development or licensed nurse.
(b) It shall be the duty of the state department to inspect a
representative sample of training programs. The state department
shall protect consumers and students in any training program
against fraud, misrepresentation, or other practices that may result
in improper or excessive payment of funds paid for training
programs. In evaluating a training center’s training program, the
state department shall examine each training center’s trainees’
competency test passage rate, and require each program to maintain
an average 60 percent test score passage rate to maintain its
participation in the program. The average test score passage rate
shall be calculated over a two-year period. If the state department
determines that any training program is not complying with
regulations or is not meeting the competency passage rate
requirements, notice thereof in writing shall be immediately given
to the program. If the program has not been brought into
compliance within a reasonable time, the program may be removed
from the approved list and notice thereof in writing given to it.
Programs removed under this article shall be afforded an
opportunity to request reinstatement of program approval at any
time. The state department’s district offices shall inspect
facility-based centers as part of their annual survey.
(c) Notwithstanding Section 1337.1, the approved training program shall consist of at least the following:

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

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

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

3. At least two hours of the 60 hours of classroom training and at least four hours of the 100 hours of the supervised clinical training shall address the special needs of persons with developmental and mental disorders, including mental retardation, Alzheimer’s disease, cerebral palsy, epilepsy, dementia, Parkinson’s disease, and mental illness.

4. On and after January 1, 2013, at least two, but not more than five, hours of the classroom training shall provide instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons. Persons certified by the state department under this article before January 1, 2013, shall complete the course no later January 1, 2017. Persons who are newly certified by the state department under this article on and after January 1, 2013, shall complete the course within four years of their initial certificate issuance date or their second certificate renewal date, whichever occurs first. The instruction 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 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
college credit. The state department shall make this information available to all training programs in the state.