

***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.

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 4, 2011

**SENATE BILL**

**No. 747**

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**Introduced by Senator Kehoe**

February 18, 2011

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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.~~

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

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

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

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

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

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

28 (B) Utilizing cultural information to establish therapeutic  
29 relationships.

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

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

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

39 (3) A review and explanation of relevant federal and state laws  
40 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

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

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

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

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

29 ~~SEC. 5.~~

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

32 2915. (a) Except as provided in this section, on or after January  
33 1, 1996, the board shall not issue any renewal license unless the  
34 applicant submits proof that he or she has completed no less than  
35 18 hours of approved continuing education in the preceding year.  
36 On or after January 1, 1997, except as provided in this section, the  
37 board shall issue renewal licenses only to those applicants who  
38 have completed 36 hours of approved continuing education in the  
39 preceding two years.

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

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

8 (d) (1) The continuing education requirement shall include, but  
9 shall not be limited to, courses required pursuant to Sections 25  
10 and 28. The requirement may include courses pursuant to Sections  
11 32 and 2914.1.

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

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

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

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

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

36 (f) The board may recognize continuing education courses that  
37 have been approved by one or more private nonprofit organizations  
38 that have at least 10 years' experience managing continuing  
39 education programs for psychologists on a statewide basis,  
40 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.

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

18 ~~SEC. 8.~~

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

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

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

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

38 (d) The board shall have the right to audit the records of any  
39 applicant to verify the completion of the continuing education  
40 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

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

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

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

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

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

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

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

39 (h) The Chancellor of the California Community Colleges shall  
40 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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