

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

Introduced February 18, 2011, Amended June 13, 2011

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.

The bill would require the applicable licensing or certifying entity to enforce these requirements. The new requirements would become effective on January 1, 2013.

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

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

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

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

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

16 (B) Utilizing cultural information to establish therapeutic
17 relationships.

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

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

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

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

34 (d) On and after January 1, 2013, the board shall require all of
35 its licensees under this chapter to take at least one continuing
36 education course that provides instruction on cultural competency,
37 sensitivity, and best practices for providing adequate care to
38 lesbian, gay, bisexual, and transgender persons. Persons licensed
39 by the board before January 1, 2013, shall complete the course no
40 later *than* January 1, 2017. Persons who are newly licensed by the

1 board on and after January 1, 2013, shall complete the course
2 within four years of their initial license issuance date or their
3 second license renewal date, whichever occurs first. The course
4 shall be between two and five hours in duration and shall contain
5 content similar to the content described in the publication of the
6 Gay and Lesbian Medical Association entitled "Guidelines for
7 Care of Lesbian, Gay, Bisexual, and Transgender Patients." The
8 board may specify the required contents of the course by regulation
9 consistent with this subdivision. The board shall enforce this
10 requirement in the same manner as it enforces other required
11 continuing education requirements.

12 (e) Notwithstanding subdivision (a), educational activities that
13 are not directed toward the practice of medicine, or are directed
14 primarily toward the business aspects of medical practice,
15 including, but not limited to, medical office management, billing
16 and coding, and marketing shall not be deemed to meet the
17 continuing medical education standards for licensed physicians
18 and surgeons.

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

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

26 2811.5. (a) Each person renewing his or her license under
27 Section 2811 shall submit proof satisfactory to the board that,
28 during the preceding two-year period, he or she has been informed
29 of the developments in the registered nurse field or in any special
30 area of practice engaged in by the licensee, occurring since the
31 last renewal thereof, either by pursuing a course or courses of
32 continuing education in the registered nurse field or relevant to
33 the practice of the licensee, and approved by the board, or by other
34 means deemed 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~~ ensure that a variety of
38 alternative forms of continuing education are available to licensees,
39 including, but not limited to, academic studies, in-service
40 education, institutes, seminars, lectures, conferences, workshops,

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

7 (c) The board shall encourage continuing education in spousal
8 or partner abuse detection and treatment. In the event the board
9 establishes a requirement for continuing education coursework in
10 spousal or partner abuse detection or treatment, that requirement
11 shall be met by each licensee within no more than four years from
12 the date the requirement is imposed.

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

- 17 (1) Pain and symptom management.
- 18 (2) The psycho-social dynamics of death.
- 19 (3) Dying and bereavement.
- 20 (4) Hospice care.

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

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

26 (g) On and after January 1, 2013, the board shall require all of
27 its licensees to take at least one continuing education course that
28 provides instruction on cultural competency, sensitivity, and best
29 practices for providing adequate care to lesbian, gay, bisexual, and
30 transgender persons. Persons licensed by the board before January
31 1, 2013, shall complete the course no later *than* January 1, ~~2017~~
32 *2018*. Persons who are newly licensed by the board on and after
33 January 1, 2013, shall complete the course ~~within four years of~~
34 ~~their initial license issuance date or before their second third~~ license
35 renewal date, ~~whichever occurs first~~. The course shall be between
36 two and five hours in duration and shall contain content similar to
37 the content described in the publication of the Gay and Lesbian
38 Medical Association entitled "Guidelines for Care of Lesbian,
39 Gay, Bisexual, and Transgender Patients." The board may specify
40 the required contents of the course by regulation consistent with

1 this subdivision. The board shall *not* enforce this requirement in
2 the same manner as it enforces other required continuing education
3 requirements, *and shall instead request all persons licensed by the*
4 *board to disclose on the renewal form or a supplemental form*
5 *whether they have complied with this requirement.*

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

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

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

14 2892.5. (a) Each person renewing his or her license under the
15 provisions of this chapter shall submit proof satisfactory to the
16 board that, during the preceding two-year period, he or she has
17 informed himself or herself of developments in the vocational
18 nurse field or in any special area of vocational nurse practice,
19 occurring since the issuance of his or her certificate, or the last
20 renewal thereof, whichever last occurred, either by pursuing a
21 course or courses of continuing education approved by the board
22 in the vocational nurse field or relevant to the practice of such
23 licensee, and approved by the board; or by other means deemed
24 equivalent by the board.

25 (b) For purposes of this section, the board shall, by regulation,
26 establish standards for continuing education. The standards shall
27 be established in a manner to ~~assure~~ *ensure* that a variety of
28 alternative forms of continuing education are available to licensees
29 including, but not limited to, academic studies, in-service
30 education, institutes, seminars, lectures, conferences, workshops,
31 extension studies, and home study programs. The standards shall
32 take cognizance of specialized areas of practice. The continuing
33 education standards established by the board shall not exceed 30
34 hours of direct participation in a course or courses approved by
35 the board, or its equivalent in the units of measure adopted by the
36 board.

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

39 (d) 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 *than* January 1, 2017.
5 Persons who are newly licensed by the board on and after January
6 1, 2013, shall complete the course within four years of their initial
7 license issuance date or their second license renewal date,
8 whichever occurs first. The course shall be between two and five
9 hours in duration and shall contain content similar to the content
10 described in the publication of the Gay and Lesbian Medical
11 Association entitled "Guidelines for Care of Lesbian, Gay,
12 Bisexual, and Transgender Patients." The board may specify the
13 required contents of the course by regulation consistent with this
14 subdivision. The board shall enforce this requirement in the same
15 manner as it enforces other required continuing education
16 requirements.

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

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

23 2915. (a) Except as provided in this section, on or after January
24 1, 1996, the board shall not issue any renewal license unless the
25 applicant submits proof that he or she has completed no less than
26 18 hours of approved continuing education in the preceding year.
27 On or after January 1, 1997, except as provided in this section, the
28 board shall issue renewal licenses only to those applicants who
29 have completed 36 hours of approved continuing education in the
30 preceding two years.

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

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

38 (d) (1) The continuing education requirement shall include, but
39 shall not be limited to, courses required pursuant to Sections 25

1 and 28. The requirement may include courses pursuant to Sections
2 32 and 2914.1.

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

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

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

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

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

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

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

33 (2) Monitoring and approving courses.

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

36 (h) A licensed psychologist shall choose continuing education
37 instruction that is related to the assessment, diagnosis, and
38 intervention for the client population being served or to the fields
39 of psychology in which the psychologist intends to provide
40 services, that may include new theoretical approaches, research,

1 and applied techniques. Continuing education instruction shall
2 include required courses specified in subdivision (d).

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

6 (j) On and after January 1, 2013, the board shall require every
7 person licensed 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 *than* January 1, 2017. Persons who are newly licensed by the
13 board under this chapter on and after January 1, 2013, shall
14 complete the course within four years of their initial license
15 issuance date or their second license renewal date, whichever
16 occurs first. The course shall be between two and five hours in
17 duration and shall contain content similar to the content described
18 in the publication of the Gay and Lesbian Medical Association
19 entitled "Guidelines for Care of Lesbian, Gay, Bisexual, and
20 Transgender Patients." The board may specify the required contents
21 of the course by regulation consistent with this subdivision. The
22 board shall enforce this requirement in the same manner as it
23 enforces other required continuing education requirements.

24 (k) The administration of this section may be funded through
25 professional license fees and continuing education provider and
26 course approval fees, or both. The fees related to the administration
27 of this section shall not exceed the costs of administering the
28 corresponding provisions of this section.

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

32 SEC. 5. Section 3524.5 of the Business and Professions Code
33 is amended to read:

34 3524.5. (a) The committee may require a licensee to complete
35 continuing education as a condition of license renewal under
36 Section 3523 or 3524. The committee shall not require more than
37 50 hours of continuing education every two years. The committee
38 shall, as it deems appropriate, accept certification by the National
39 Commission on Certification of Physician Assistants (NCCPA),
40 or another qualified certifying body, as determined by the

1 committee, as evidence of compliance with continuing education
2 requirements.

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

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

23 4517. (a) The board may, in its discretion, provide for a
24 continuing education program in connection with the professional
25 functions and courses described in this chapter. The number of
26 course hours that the board may require in a continuing education
27 program shall not exceed the number of course hours prescribed
28 for licensed vocational nurses pursuant to Section 2892.5.

29 (b) On and after January 1, 2013, the board shall require all of
30 its licensees to take at least one continuing education course that
31 provides instruction on cultural competency, sensitivity, and best
32 practices for providing adequate care to lesbian, gay, bisexual, and
33 transgender persons. Persons licensed by the board before January
34 1, 2013, shall complete the course no later *than* January 1, 2017.
35 Persons who are newly licensed by the board on and after January
36 1, 2013, shall complete the course within four years of their initial
37 license issuance date or their second license renewal date,
38 whichever occurs first. The course shall be between two and five
39 hours in duration and shall contain content similar to the content
40 described in the publication of the Gay and Lesbian Medical

1 Association entitled "Guidelines for Care of Lesbian, Gay,
2 Bisexual, and Transgender Patients." The board may specify the
3 required contents of the course by regulation consistent with this
4 subdivision. The board shall enforce this requirement in the same
5 manner as it enforces other required continuing education
6 requirements.

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

9 4980.54. (a) The Legislature recognizes that the education and
10 experience requirements in this chapter constitute only minimal
11 requirements to ~~assure~~ *ensure* that an applicant is prepared and
12 qualified to take the licensure examinations as specified in
13 subdivision (d) of Section 4980.40 and, if he or she passes those
14 examinations, to begin practice.

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

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

26 (d) The board shall have the right to audit the records of any
27 applicant to verify the completion of the continuing education
28 requirement. Applicants shall maintain records of completion of
29 required continuing education coursework for a minimum of two
30 years and shall make these records available to the board for
31 auditing purposes upon request.

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

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

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

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

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

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

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

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

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

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

27 (j) On and after January 1, 2013, the board shall require all of
28 its licensees to take at least one continuing education course that
29 provides instruction on cultural competency, sensitivity, and best
30 practices for providing adequate care to lesbian, gay, bisexual, and
31 transgender persons. Persons licensed by the board before January
32 1, 2013, shall complete the course no later *than* January 1, 2017.
33 Persons who are newly licensed by the board on and after January
34 1, 2013, shall complete the course within four years of their initial
35 license issuance date or their second license renewal date,
36 whichever occurs first. The course shall be between two and five
37 hours in duration and shall contain content similar to the content
38 described in the publication of the Gay and Lesbian Medical
39 Association entitled "Guidelines for Care of Lesbian, Gay,
40 Bisexual, and Transgender Patients." The board may specify the

1 required contents of the course by regulation consistent with this
2 subdivision. The board shall enforce this requirement in the same
3 manner as it enforces other required continuing education
4 requirements.

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

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

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

19 4996.22. (a) (1) Except as provided in subdivision (c), the
20 board shall not renew any license pursuant to this chapter unless
21 the applicant certifies to the board, on a form prescribed by the
22 board, that he or she has completed not less than 36 hours of
23 approved continuing education in or relevant to the field of social
24 work in the preceding two years, as determined by the board.

25 (2) The board shall not renew any license of an applicant who
26 began graduate study prior to January 1, 2004, pursuant to this
27 chapter unless the applicant certifies to the board that during the
28 applicant's first renewal period after the operative date of this
29 section, he or she completed a continuing education course in
30 spousal or partner abuse assessment, detection, and intervention
31 strategies, including community resources, cultural factors, and
32 same gender abuse dynamics. On and after January 1, 2005, the
33 course shall consist of not less than seven hours of training.
34 Equivalent courses in spousal or partner abuse assessment,
35 detection, and intervention strategies taken prior to the operative
36 date of this section or proof of equivalent teaching or practice
37 experience may be submitted to the board and at its discretion,
38 may be accepted in satisfaction of this requirement. Continuing
39 education courses taken pursuant to this paragraph shall be applied

1 to the 36 hours of approved continuing education required under
2 paragraph (1).

3 (b) The board shall have the right to audit the records of any
4 applicant to verify the completion of the continuing education
5 requirement. Applicants shall maintain records of completion of
6 required continuing education coursework for a minimum of two
7 years and shall make these records available to the board for
8 auditing purposes upon request.

9 (c) The board may establish exceptions from the continuing
10 education requirement of this section for good cause as defined
11 by the board.

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

14 (1) An accredited school of social work, as defined in Section
15 4991.2, or a school or department of social work that is a candidate
16 for accreditation by the Commission on Accreditation of the
17 Council on Social Work Education. Nothing in this paragraph shall
18 be construed as requiring coursework to be offered as part of a
19 regular degree program.

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

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

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

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

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

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

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

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

8 (i) 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 *than* January 1, 2017.
14 Persons who are newly licensed by the board on and after January
15 1, 2013, shall complete the course within four years of their initial
16 license issuance date or their second license renewal date,
17 whichever occurs first. The course shall be between two and five
18 hours in duration and shall contain content similar to the content
19 described in the publication of the Gay and Lesbian Medical
20 Association entitled "Guidelines for Care of Lesbian, Gay,
21 Bisexual, and Transgender Patients." The board may specify the
22 required contents of the course by regulation consistent with this
23 subdivision. The board shall enforce this requirement in the same
24 manner as it enforces other required continuing education
25 requirements.

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

28 (k) The board shall, by regulation, fund the administration of
29 this section through continuing education provider fees to be
30 deposited in the Behavioral Science Examiners Fund. The fees
31 related to the administration of this section shall be sufficient to
32 meet, but shall not exceed, the costs of administering the
33 corresponding provisions of this section. For purposes of this
34 subdivision, a provider of continuing education as described in
35 paragraph (1) of subdivision (d) shall be deemed to be an approved
36 provider.

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

39 1337.3. (a) The state department shall prepare and maintain
40 a list of approved training programs for nurse assistant certification.

1 The list shall include training programs conducted by skilled
2 nursing or intermediate care facilities, as well as local agencies
3 and education programs. In addition, the list shall include
4 information on whether a training center is currently training nurse
5 assistants, their competency test pass rates, and the number of
6 nurse assistants they have trained. Clinical portions of the training
7 programs may be obtained as on-the-job training, supervised by a
8 qualified director of staff development or licensed nurse.

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

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

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

36 (2) (A) A certification training program consisting of at least
37 60 classroom hours of training on basic nursing skills, patient
38 safety and rights, the social and psychological problems of patients,
39 and elder abuse recognition and reporting pursuant to subdivision
40 (e) of Section 1337.1. The 60 classroom hours of training may be

1 conducted within a skilled nursing facility, an intermediate care
2 facility, or an educational institution.

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

11 (3) At least two hours of the 60 hours of classroom training and
12 at least four hours of the 100 hours of the supervised clinical
13 training shall address the special needs of persons with
14 developmental and mental disorders, including mental retardation,
15 Alzheimer's disease, cerebral palsy, epilepsy, dementia,
16 Parkinson's disease, and mental illness.

17 (4) On and after January 1, 2013, at least two, but not more than
18 five, hours of the classroom training shall provide instruction on
19 cultural competency, sensitivity, and best practices for providing
20 adequate care to lesbian, gay, bisexual, and transgender persons.
21 Persons certified by the state department under this article before
22 January 1, 2013, shall complete the course no later *than* January
23 1, 2017. Persons who are newly certified by the state department
24 under this article on and after January 1, 2013, shall complete the
25 course within four years of their initial certificate issuance date or
26 their second certificate renewal date, whichever occurs first. The
27 instruction shall contain content similar to the content described
28 in the publication of the Gay and Lesbian Medical Association
29 entitled "Guidelines for Care of Lesbian, Gay, Bisexual, and
30 Transgender Patients." The state department may specify the
31 required contents of the course by regulation consistent with this
32 paragraph. The state department shall enforce this requirement in
33 the same manner as it enforces other required training requirements.

34 (d) The state department, in consultation with the State
35 Department of Education and other appropriate organizations, shall
36 develop criteria for approving training programs, that includes
37 program content for orientation, training, inservice, and the
38 examination for testing knowledge and skills related to basic patient
39 care services and shall develop a plan that identifies and encourages
40 career ladder opportunities for certified nurse assistants. This group

1 shall also recommend, and the department shall adopt, regulation
2 changes necessary to provide for patient care when facilities utilize
3 noncertified nurse assistants who are performing direct patient
4 care. The requirements of this subdivision shall be established by
5 January 1, 1989.

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

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

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

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

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

28 (h) The Chancellor of the California Community Colleges shall
29 provide to the state department a standard process for approval of
30 college credit. The state department shall make this information
31 available to all training programs in the state.