



## MEMORANDUM

<b>DATE</b>	April 16, 2015
<b>TO</b>	Policy and Advocacy Committee Members
<b>FROM</b>	Jonathan Burke Administrative Services Coordinator
<b>SUBJECT</b>	<b>AB 333 (Melendez) – Healing arts: Continuing Education</b>

### **Background:**

Please see attached analysis for detail on the proposed legislation.

### **Action Requested:**

The staff recommendation is to oppose AB 333 (Melendez).

**Attachment A** is the staff analysis of AB 333.

**Attachment B** is the language of the bill.

# CALIFORNIA STATE BOARD OF PSYCHOLOGY

## BILL ANALYSIS

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**BILL NUMBER:** AB 333                      **VERSION:** AMENDED IN ASSEMBLY MARCH 26, 2015

**AUTHOR:** MELENDEZ                      **SPONSOR:** AUTHOR

**RECOMMENDED POSITION:** OPPOSE

**SUBJECT:** HEALING ARTS: CONTINUING EDUCATION

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### **Overview:**

This bill would allow a Board licensee who takes coursework toward, and becomes a certified instructor of, cardiopulmonary resuscitation (CPR) or automated external defibrillator (AED) use, to count one unit of credit toward his or her continuing education (CE) requirement. And to accrue two units of credit for teaching a course in CPR or AED use to employees of school districts or community colleges.

### **Existing Law:**

- 1) Requires the director of the Department of Consumer Affairs (DCA), by regulation, to develop guidelines to prescribe components for mandatory CE programs administered by any board within DCA and requires that those guidelines ensure that mandatory CE is used as a means to create a more competent licensing population, thereby enhancing public protection. (Business and Professions Code (BPC) § 166)
- 2) Establishes the Psychology Licensing Law which provides for the licensure and regulation of licensed Psychologists. (BPC § 2901 et seq.)
- 3) Requires an applicant for licensure as a psychologist to comply with the following requirements:
  - a) Not be subject to denial, as specified;
  - b) Possess an earned doctorate degree, as specified;
  - c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, as specified;
  - d) Take and pass an examination, as specified; and,
  - e) Show by evidence satisfactory to the Board of Psychology (BOP) that he or she has completed training in the detection and treatment of alcohol and other chemical dependency, as specified. (BPC § 2914)
- 4) Requires BOP to develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders who may require psychopharmacological treatment and whose

management may require collaboration with physicians and other licensed prescribers, as specified. (BPC § 2914.3 (b))

**This Bill:**

- 1) Allows a Board licensee who attends a course which results in him or her becoming a certified CPR or AED instructor to count one unit of coursework toward the Board's continuing education requirement. (BPC §856(a))
- 2) Allows a Board licensee who conducts CPR or AED training sessions for employees of school districts or community colleges to count up to two units of coursework toward the Board's continuing education requirement. (BPC §856(b))
- 3) Defines a "unit" as any measurement for continuing education, such as hours or course credits. (BPC §856(c))

**Comments:**

- 1) **Author's Intent.** The author's office notes that AEDs are becoming more common on school campuses. However, pro bono instructors and training resources are rare, and paying for such training can be cost prohibitive.

Therefore, by allowing healing arts licensees to gain continuing education credit for becoming an instructor in CPR/AED use and for conducting training in schools, this bill creates an incentive that would benefit both licensees and schools.

- 2) **Current Continuing Education Requirements.** The Board has several one-time continuing educational requirements that must be completed by licensees. These additional courses must be completed prior to licensure or at the first renewal, depending on when the applicant began graduate study. These courses are as follows:

- Spousal/partner abuse (15 hours);
- Human Sexuality (10 hours);
- Child Abuse (7 hours);
- Alcoholism/ Chemical Dependence (One quarter or semester long course);
- Aging/long term care (10 hours); and

All licensees must also certify that they have obtained law and ethics training every renewal period. In total, a licensee must complete 36 hours of continuing education every renewal period.

- 3) **Relevance to the Practice.** Current law specifies that continuing education must incorporate either aspects of the discipline that are fundamental to the practice of the profession, aspects of the discipline where significant recent developments have occurred, or aspects of other disciplines that enhance the understanding or practice of the profession "Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services" (Title 16 Div. 13.1 CCR 1397.61 (c) (2)).

While CPR/AED training is important, it may be difficult to argue that it is fundamental to, or enhances the understanding of, the practice of psychology.

- 4) **Bill's Definition of "Units" Unclear.** This bill states that a licensee may apply one unit of CE credit if he or she becomes a certified CPR or AED instructor, or up to two units of CE credit toward conducting CPR or AED training for employees of school districts or community colleges. The bill goes on to define a "unit" of any measure of CE, such as hours or course credits.

The Board's current continuing education regulations state that one unit equals 1 hour of continuing education coursework. However, the Boards proposed regulatory change in the area of continuing education makes the definition provided in the statute unclear and requires a regulatory definition of the creditable units from taking or administering a course.

- 5) **Fiscal Impact:** The Board foresees a minor and absorbable impact on staff time. Regulations will need to be promulgated.

- 6) **BreEZe Impact:** N/A

- 7) **Support and Opposition.**

*None at this time.*

#### **History.**

##### **2015**

04/06/15 Re-referred to Com. on B. & P.

03/26/15 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

03/26/15 Referred to Com. on B. & P.

02/17/15 From printer. May be heard in committee March 19.

02/13/15 Read first time. To print.

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 333**

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**Introduced by Assembly Member Melendez**

February 13, 2015

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~~An act to amend Section 49417 of the Education Code, relating to pupil health.~~ *An act to add Section 856 to the Business and Professions Code, relating to healing arts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Melendez. ~~Pupil health: automated external defibrillators.~~ *Healing arts: continuing education.*

*Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs and imposes various continuing education requirements for license renewal.*

*This bill would allow specified healing arts licensees to apply one unit, as defined, of continuing education credit towards any required continuing education units for attending a course that results in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED), and would allow specified healing arts licensees to apply up to 2 units of continuing education credit towards any required continuing education units for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.*

~~Existing law authorizes a public school to solicit and receive nonstate funds to acquire and maintain an automated external defibrillator (AED). Existing law provides that the employees of the school district are not~~

liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED, except as provided. Existing law provides that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment, except as provided.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

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

1 SECTION 1. Section 856 is added to the Business and  
2 Professions Code, to read:

3 856. (a) A person licensed pursuant to this division who is  
4 required to complete continuing education units as a condition of  
5 renewing his or her license may apply one unit of continuing  
6 education credit towards that requirement for attending a course  
7 that results in the licensee becoming a certified instructor of  
8 cardiopulmonary resuscitation (CPR) or the proper use of an  
9 automated external defibrillator (AED).

10 (b) A person licensed pursuant to this division who is required  
11 to complete continuing education units as a condition of renewing  
12 his or her license may apply up to two units of continuing education  
13 credit towards that requirement for conducting CPR or AED  
14 training sessions for employees of school districts and community  
15 college districts in the state.

16 (c) For purposes of this section, "unit" means any measurement  
17 for continuing education, such as hours or course credits.

18 SECTION 1. ~~Section 49417 of the Education Code is amended~~  
19 ~~to read:~~

20 ~~49417. (a) A public school may solicit and receive nonstate~~  
21 ~~funds to acquire and maintain an automated external defibrillator~~  
22 ~~(AED). These funds shall only be used to acquire and maintain an~~  
23 ~~AED and to provide training to school employees regarding the~~  
24 ~~use of an AED.~~

25 ~~(b) Except as provided in subdivision (d), if an employee of a~~  
26 ~~school district complies with Section 1714.21 of the Civil Code~~  
27 ~~in rendering emergency care or treatment through the use,~~  
28 ~~attempted use, or nonuse of an AED at the scene of an emergency,~~

1 ~~the employee shall not be liable for any civil damages resulting~~  
2 ~~from any act or omission in the rendering of the emergency care~~  
3 ~~or treatment.~~

4 ~~(e) Except as provided in subdivision (d), if a public school or~~  
5 ~~school district complies with the requirements of Section 1797.196~~  
6 ~~of the Health and Safety Code, the public school or school district~~  
7 ~~shall be covered by Section 1714.21 of the Civil Code and shall~~  
8 ~~not be liable for any civil damages resulting from any act or~~  
9 ~~omission in the rendering of the emergency care or treatment.~~

10 ~~(d) Subdivisions (b) and (e) do not apply in the case of personal~~  
11 ~~injury or wrongful death that results from gross negligence or~~  
12 ~~willful or wanton misconduct on the part of the person who uses,~~  
13 ~~attempts to use, or maliciously fails to use an AED to render~~  
14 ~~emergency care or treatment.~~

15 ~~(e) This section does not alter the requirements of Section~~  
16 ~~1797.196 of the Health and Safety Code.~~

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