

AMENDED IN ASSEMBLY APRIL 24, 2006

AMENDED IN ASSEMBLY MARCH 1, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1852**

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**Introduced by Assembly Member Yee  
(Principal coauthor: Assembly Member Maze)**

January 12, 2006

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~~An act to amend Section 9875 of, to amend, renumber, and add Section 9875.2 of, to add Sections 9875.3, 9875.4, 9875.5, and 9875.7 to, and to repeal and add Section 9875.1 of, the Business and Professions Code, relating to motor vehicle replacement parts. An act to amend Sections 128454 and 128456 of the Health and Safety Code, relating to mental health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, as amended, Yee. ~~Motor vehicle replacement parts. Licensed mental health service provider education program.~~

*Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.*

*Existing law establishes the Licensed Mental Health Service Provider Education Program, and requires the foundation to develop the program to provide grants to licensed mental health service providers, as defined, who provide direct patient care in a publicly funded facility or a mental health professional shortage area, as defined.*

*This bill would revise the definition of “licensed mental health care practitioner” for this purpose to additionally include a marriage and family therapist intern and an associate clinical social worker, and would make a technical, nonsubstantive change.*

~~Existing law regulates the use of motor vehicle replacement parts, and prohibits an insurer from requiring the use of nonoriginal equipment manufacturer aftermarket crash parts, as defined, in the repair of an insured’s motor vehicle, unless the consumer is advised in a disclosure document of the use of the part. A violation of those provisions subjects an insurer to specified enforcement actions by the Insurance Commissioner.~~

~~This bill would authorize a licensed certifier, as defined, who meets certain requirements and is licensed by the Department of Consumer Affairs, to certify a part as a “certified collision repair part” if it is of like kind and quality to a car company collision repair part, as defined. The bill would require that a written estimate or invoice prepared by a collision repair facility, as defined, or an insurer, or both, include a specified disclosure of each collision repair part to be used in the repair as well as a specified notification which, among other things, states that the estimate or invoice has been prepared based on the use of aftermarket collision repair parts. The bill would also require the manufacturer or distributor of a car company collision repair part or a certified collision repair part and, in certain cases, an insurer, to make specified warranties with respect to those parts. The bill would provide that a violation of these provisions by an insurer subjects an insurer to specified enforcement actions by the Insurance Commissioner. The bill would also require collision repair facilities to make specified reports regarding defective collision repair parts.~~

~~The bill would require the Director of Consumer Affairs to establish licensing, maintenance and oversight costs to be paid by licensed certifiers, would require licensed certifiers to provide specified reports and information to the department and others, and would authorize the department to suspend or revoke the license of a licensed certifier who fails to comply with those requirements. The bill would prohibit any person from imposing a penalty on any person leasing or financing a motor vehicle who has repairs made to the motor vehicle with certified collision repair parts. The bill would make related legislative findings and declarations.~~

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 128454 of the Health and Safety Code is*  
2 *amended to read:*

3     128454. (a) There is hereby created the Licensed Mental  
4 Health Service Provider Education Program within the Health  
5 Professions Education Foundation.

6     (b) For purposes of this article, the following definitions shall  
7 apply:

8     (1) “Licensed mental health service provider” means a  
9 psychologist, marriage and family therapist, ~~and marriage and~~  
10 *family therapist intern*, licensed clinical social worker, *and*  
11 *associate clinical social worker*.

12     (2) “Mental health professional shortage area” means an area  
13 designated as such by the Health Resources and Services  
14 Administration (HRSA) of the United States Department of  
15 Health and Human Services.

16     (c) Commencing January 1, 2005, any licensed mental health  
17 service provider who provides direct patient care in a publicly  
18 funded facility or a mental health professional shortage area may  
19 apply for grants under the program to reimburse his or her  
20 educational loans related to a career as a licensed mental health  
21 service provider.

22     (d) The Health Professions Education Foundation shall make  
23 recommendations to the director of the office concerning all of  
24 the following:

25     (1) A standard contractual agreement to be signed by the  
26 director and any licensed mental health service provider who is  
27 serving in a publicly funded facility or a mental health  
28 professional shortage area that would require the licensed mental  
29 health service provider who receives a grant under the program  
30 to work in the publicly funded facility or a mental health  
31 professional shortage area for at least one year.

32     (2) The maximum allowable total grant amount per individual  
33 licensed mental health service provider.

34     (3) The maximum allowable annual grant amount per  
35 individual licensed mental health service provider.

36     (e) The Health Professions Education Foundation shall  
37 develop the program, which shall comply with all of the  
38 following requirements:

1 (1) The total amount of grants under the program per  
2 individual licensed mental health service provider shall not  
3 exceed the amount of educational loans related to a career as a  
4 licensed mental health service provider incurred by that provider.

5 (2) The program shall keep the fees from the different licensed  
6 providers separate to ensure that all grants are funded by those  
7 fees collected from the corresponding licensed provider groups.

8 (3) A loan forgiveness grant may be provided in installments  
9 proportionate to the amount of the service obligation that has  
10 been completed.

11 (4) The number of persons who may be considered for the  
12 program shall be limited by the funds made available pursuant to  
13 Section 128458.

14 *SEC. 2. Section 128456 of the Health and Safety Code is*  
15 *amended to read:*

16 128456. In developing the program established pursuant to  
17 this article, the Health Professions Education Foundation shall  
18 solicit the advice of representatives of the Board of Behavioral  
19 ~~Science Examiners~~ *Sciences*, the Board of Psychology, the State  
20 Department of Mental Health, the California Mental Health  
21 Directors Association, the California Mental Health Planning  
22 Council, professional mental health care organizations, the  
23 California Healthcare Association, the Chancellor of the  
24 California Community Colleges, and the Chancellor of the  
25 California State University. The foundation shall solicit the  
26 advice of representatives who reflect the demographic, cultural,  
27 and linguistic diversity of the state.

28 ~~SECTION 1. The Legislature finds and declares all of the~~  
29 ~~following:~~

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly, March 1, 2006. (JR11)**