

Introduced by Senator PavleyFebruary 14, 2009

An act to amend Sections 44839 and 44839.5 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as introduced, Pavley. Certificated employees: medical certificates.

Existing law requires a school district or a county superintendent of schools to require a candidate for a position requiring certification qualifications or a retirant position, if the candidate has not previously been employed in a position requiring certification qualifications in this state or has not previously been employed as a retirant, to obtain a medical certificate showing that the candidate is free from any disabling disease making him or her unfit to instruct or associate with children. Existing law requires that the medical certificate be submitted directly to the governing board of the school district or the county superintendent of schools by a physician and surgeon licensed pursuant to specified statutes or a commissioned medical officer, as specified, following the completion of a prescribed medical examination of the candidate.

This bill, in addition, would authorize a physician assistant practicing in compliance with specified statutes to submit a medical certificate on behalf of a candidate for a position requiring certification qualifications or a retirant position to the governing board of a school district or a county superintendent of schools following completion of the prescribed examination.

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

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

1 SECTION 1. Section 44839 of the Education Code is amended
2 to read:

3 44839. (a) When a school district or a county superintendent
4 of schools wishes to employ a person in a position requiring
5 certification qualifications and that person has not previously been
6 employed in a position requiring certification qualifications in this
7 state, the district or county superintendent shall require a medical
8 certificate in such form as shall be prescribed by the ~~State Board~~
9 ~~of Education~~ *state board* showing that the applicant is free from
10 any disabling disease unfitting the applicant to instruct or associate
11 with children. The medical certificate shall be submitted directly
12 to the governing board or county superintendent by a physician
13 and surgeon licensed under the Business and Professions Code, *a*
14 *physician assistant practicing in compliance with Chapter 7.7*
15 *(commencing with Section 3500) of Division 2 of the Business and*
16 *Professions Code, or a commissioned medical officer exempted*
17 ~~from licensure by Section 2144 of the Business and Professions~~
18 ~~Code, or a commissioned medical officer in the United States Air~~
19 ~~Force pursuant to federal law. The medical examination shall have~~
20 ~~been conducted not more than six months before the submission~~
21 ~~of the certificate and shall be at the expense of the applicant. A~~
22 ~~governing board or county superintendent may offer a contract of~~
23 ~~employment to an applicant subject to the submission of the~~
24 ~~required medical certificate. Notwithstanding Section 44031, the~~
25 ~~medical certificate shall become a part of the personnel record of~~
26 ~~the employee and shall be open to the employee or his or her~~
27 ~~designee.~~

28 (b) The governing board of a school district or a county
29 superintendent of schools may require certificated employees to
30 undergo a periodic medical examination by a physician and surgeon
31 licensed under the Business and Professions Code, *a physician*
32 *assistant practicing in compliance with Chapter 7.7 (commencing*
33 *with Section 3500) of Division 2 of the Business and Professions*
34 *Code, or a commissioned medical officer exempted from licensure*
35 ~~by Section 2144 of the Business and Professions Code pursuant~~
36 ~~to federal law, to determine that the employee is free from any~~
37 ~~communicable disease unfitting the applicant to instruct or~~
38 ~~associate with children. The periodic medical examination shall~~

1 be at the expense of the school district or county superintendent.
2 The medical certificate shall become a part of the personnel record
3 of the employee and shall be open to the employee or his *or her*
4 designee.

5 (c) ~~The State Board of Education~~ *state board* shall adopt rules
6 and regulations relating to the implementation and administration
7 of this section.

8 SEC. 2. Section 44839.5 of the Education Code is amended to
9 read:

10 44839.5. (a) When a school district or county superintendent
11 of schools wishes to employ a retirant who is retired for service,
12 and such person has not been previously employed as a retirant,
13 such district or county superintendent shall require, as a condition
14 of initial employment as a retirant, a medical certificate in such
15 form as shall be prescribed by the ~~State Board of Education~~ *state*
16 *board* showing that the retirant is free from any disabling disease
17 unfitting him or her to instruct or associate with children. The
18 medical certificate shall be completed and submitted directly to
19 the school district or county superintendent by a physician and
20 surgeon licensed under the Business and Professions Code, *a*
21 *physician assistant practicing in compliance with Chapter 7.7*
22 *(commencing with Section 3500) of Division 2 of the Business and*
23 *Professions Code*, or a commissioned medical officer exempted
24 from licensure ~~by Section 2144 of the Business and Professions~~
25 ~~Code pursuant to federal law~~. A medical examination as prescribed
26 by the State Board of Education shall be required for the
27 completion of the medical certificate. Such examination shall be
28 conducted not more than six months before the completion and
29 submission of the certificate and shall be at the expense of the
30 retirant. Notwithstanding Section 44031, the medical certificate
31 shall become a part of the personnel record of the employee and
32 shall be open to the employee or his *or her* designee.

33 (b) The school district or county superintendent of schools which
34 initially employed the retirant, or any school district or county
35 superintendent which subsequently employs the retirant, may
36 require a periodic medical examination by a physician and surgeon
37 licensed under the Business and Professions Code, *a physician*
38 *assistant practicing in compliance with Chapter 7.7 (commencing*
39 *with Section 3500) of Division 2 of the Business and Professions*
40 *Code*, or a commissioned medical officer exempted from licensure

1 ~~by Section 2144 of the Business and Professions Code~~ *pursuant*
2 *to federal law*, to determine that the retirant is free from any
3 communicable disease unfitting him or her to instruct or associate
4 with children. The periodic medical examination shall be at the
5 expense of the school district or county superintendent. The
6 medical certificate shall become a part of the personnel record of
7 the retirant and shall be open to the retirant or his *or her* designee.
8 (c) ~~The State Board of Education~~ *state board* shall adopt rules
9 and regulations relating to the implementation and administration
10 of this section.