

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1976

**Introduced by Assembly Member Logue
(Principal coauthor: Assembly Member Pan)**

February 23, 2012

~~An act relating to healing arts.~~ *An act to add Section 712 to the Business and Professions Code, and to add Section 131136 to the Health and Safety Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1976, as amended, Logue. ~~Medical training- veterans.~~ *Professions and vocations: licensure and certification requirements: military experience.*

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, specified other healing arts professions are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

This bill would require a healing arts board within the Department of Consumer Affairs and the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or

certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate. If a board or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than July 1, 2014, require a board or the State Department of Public Health to accredit or otherwise approve only those schools that have procedures in place to accept an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification. The bill would require the Director of Consumer Affairs and the State Department of Public Health, by January 1, 2016, to submit to the Governor and the Legislature a written report on the progress of the boards and the department in complying with these provisions.

Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act may not be superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly.

This bill would require each healing arts board within the Department of Consumer Affairs and the State Department of Public Health to adopt emergency regulations pursuant to specified procedures to carry out these provisions.

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans.

With respect to complying with the bill's requirements, this bill would require the Department of Veterans Affairs to provide technical assistance to the healing arts boards within the Department of Consumer Affairs, the Director of Consumer Affairs, and the State Department of Public Health.

Existing law provides generally for the training and licensing of health care providers and imposes various educational requirements in that regard.

This bill would declare the intent of the Legislature to enact legislation to assist military veterans who have medical training and education to overcome barriers to licensing and to address issues relating to obtaining credit for health-related coursework and experience they completed while serving in the Armed Forces.

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. This act shall be known, and may be cited, as the*
2 *Veterans Health Care Workforce Act of 2012.*

3 *SEC. 2. (a) The Legislature finds and declares all of the*
4 *following:*

5 *(1) Lack of health care providers continues to be a significant*
6 *barrier to access to health care services in medically underserved*
7 *urban and rural areas of California.*

8 *(2) Veterans of the United States Armed Forces and the*
9 *California National Guard gain invaluable education, training,*
10 *and practical experience through their military service.*

11 *(3) According to the federal Department of Defense, as of June*
12 *2011, one million veterans were unemployed nationally and the*
13 *jobless rate for post-9/11 veterans was 13.3 percent, with young*
14 *male veterans 18 to 24 years of age experiencing an unemployment*
15 *rate of 21.9 percent.*

16 *(4) According to the federal Department of Defense, during the*
17 *2011 federal fiscal year, 8,854 enlisted service members with*
18 *medical classifications separated from active duty.*

19 *(5) According to the federal Department of Defense, during the*
20 *2011 federal fiscal year, 16,777 service members who separated*
21 *from active duty listed California as their state of residence.*

22 *(6) It is critical, both to veterans seeking to transition to civilian*
23 *health care professions and to patients living in underserved urban*
24 *and rural areas of California, that the Legislature ensures that*
25 *veteran applicants to boards within the Department of Consumer*
26 *Affairs or the State Department of Public Health for licensure are*
27 *expedited through the qualifications and requirements process.*

28 *(b) It is the intent of the Legislature to ensure that boards within*
29 *the Department of Consumer Affairs or the State Department of*
30 *Public Health and schools offering educational course credit for*
31 *meeting licensing qualifications and requirements fully and*
32 *expeditiously recognize and provide credit for an applicant's*
33 *military education, training, and practical experience.*

34 *SEC. 3. Section 712 is added to the Business and Professions*
35 *Code, to read:*

1 712. (a) Notwithstanding any other provision of law, a board
2 described in this division shall, upon the presentation of
3 satisfactory evidence by an applicant for licensure, accept the
4 education, training, and practical experience completed by an
5 applicant as a member of the United States Armed Forces or
6 Military Reserves of the United States, the national guard of any
7 state, the military reserves of any state, or the naval militia of any
8 state, toward the qualifications and requirements to receive a
9 license issued by that board.

10 (b) Not later than July 1, 2014, if a board described in this
11 division accredits or otherwise approves schools offering
12 educational course credit for meeting licensing qualifications and
13 requirements, the board shall only accredit or otherwise approve
14 those schools that have procedures in place to fully accept an
15 applicant's military education, training, and practical experience
16 toward the completion of an educational program that would
17 qualify a person to apply for licensure.

18 (c) Each board described in this division shall adopt regulations
19 to implement this section. The adoption, amendment, repeal, or
20 readoption of a regulation authorized by this section is deemed to
21 address an emergency, for purposes of Sections 11346.1 and
22 11349.6 of the Government Code, and each board is hereby
23 exempted for this purpose from the requirements of subdivision
24 (b) of Section 11346.1 of the Government Code.

25 (d) With respect to complying with the requirements of this
26 section, the Department of Veterans Affairs shall provide technical
27 assistance to the boards described in this division and to the
28 director.

29 (e) On or before January 1, 2016, the director shall submit to
30 the Governor and the Legislature a written report on the progress
31 of the boards described in this division toward compliance with
32 this section.

33 (f) A report to the Legislature pursuant to this section shall be
34 submitted in compliance with Section 9795 of the Government
35 Code.

36 (g) This section shall become inoperative on January 1, 2017.

37 SEC. 4. Section 131136 is added to the Health and Safety Code,
38 to read:

39 131136. (a) Notwithstanding any other provision of law, the
40 department shall, upon the presentation of satisfactory evidence

1 by an applicant for licensure or certification in one of the
2 professions described in subdivision (b), accept the education,
3 training, and practical experience completed by an applicant as
4 a member of the United States Armed Forces or Military Reserves
5 of the United States, the national guard of any state, the military
6 reserves of any state, or the naval militia of any state, toward the
7 qualifications and requirements to receive a license issued by the
8 department.

9 (b) The following professions are applicable to this section:

10 (1) Medical laboratory technician as described in Section 1260.3
11 of the Business and Professions Code.

12 (2) Clinical laboratory scientist as described in Section 1262
13 of the Business and Professions Code.

14 (3) Radiologic technologist as described in Chapter 6
15 (commencing with Section 114840) of Part 9 of Division 104.

16 (4) Nuclear medicine technologist as described in Chapter 4
17 (commencing with Section 107150) of Part 1 of Division 104.

18 (5) Certified nurse assistant as described in Article 9
19 (commencing with Section 1337) of Chapter 2 of Division 2.

20 (6) Certified home health aide as described in Section 1736.1.

21 (7) Certified hemodialysis technician as described in Article
22 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of
23 the Business and Professions Code.

24 (8) Nursing home administrator as described in Chapter 2.35
25 (commencing with Section 1416) of Division 2.

26 (c) Not later than July 1, 2014, if the department accredits or
27 otherwise approves schools offering educational course credit for
28 meeting licensing and certification qualifications and requirements,
29 the department shall only accredit or otherwise approve those
30 schools that have procedures in place to fully accept an applicant's
31 military education, training, and practical experience toward the
32 completion of an educational program that would qualify a person
33 to apply for licensure or certification.

34 (d) With respect to complying with the requirements of this
35 section, the department shall adopt regulations to implement this
36 section. The adoption, amendment, repeal, or readoption of a
37 regulation authorized by this section is deemed to address an
38 emergency, for purposes of Sections 11346.1 and 11349.6 of the
39 Government Code, and the department is hereby exempted for this

1 *purpose from the requirements of subdivision (b) of Section*
2 *11346.1 of the Government Code.*

3 *(e) With respect to complying with the requirements of this*
4 *section, the Department of Veterans Affairs shall provide technical*
5 *assistance to the department and to the State Public Health Officer.*

6 *(f) On or before January 1, 2016, the department shall submit*
7 *to the Governor and the Legislature a written report on the*
8 *department’s progress toward compliance with this section.*

9 *(g) A report to the Legislature pursuant to this section shall be*
10 *submitted in compliance with Section 9795 of the Government*
11 *Code.*

12 *(h) This section shall become inoperative on January 1, 2017.*

13 ~~SECTION 1. It is the intent of the Legislature to enact~~
14 ~~legislation to address the barriers that military veterans with~~
15 ~~medical education and training face in obtaining licensure and~~
16 ~~certification in the following professions:~~

17 ~~Physician assistants; clinical laboratory scientists, technicians,~~
18 ~~and technologists; administrative and clinical medical assistants;~~
19 ~~dental assistants and hygienists; radiology technicians and~~
20 ~~technologists; licensed professional clinical counselors; licensed~~
21 ~~clinical social workers; community health workers; drug and~~
22 ~~alcohol abuse counselors; and public health professionals.~~

23 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~
24 ~~to address the barriers that military veterans with medical education~~
25 ~~and training face in obtaining credit in California institutions of~~
26 ~~higher education for the health-related educational coursework~~
27 ~~and experience they completed while serving in the United States~~
28 ~~Armed Forces.~~

29 ~~SEC. 3. It is the intent of the Legislature to enact legislation~~
30 ~~to address the financial barriers that military veterans with medical~~
31 ~~education and training face in obtaining the necessary educational~~
32 ~~credit in order to qualify for licensure or certification as a health~~
33 ~~care professional in California.~~