

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 1236 **VERSION:** INTRODUCED FEBRUARY 19, 2021

AUTHOR: TING **SPONSOR:**

- SF JEWISH VOCATIONAL SERVICES
- CALIFORNIA PAN-ETHNIC HEALTH NETWORK

RECOMMENDED POSITION: NONE

SUBJECT: HEALING ARTS: LICENSEES: DATA COLLECTION

Summary:

This bill would require all healing arts boards under the Department of Consumer Affairs (DCA) to biennially collect and report on certain workforce data from its licensees for future workforce planning.

Existing Law:

1. Requires the Office of Statewide Health Planning and Development (OSHPD) to prepare an annual report to the Legislature that identifies education and employment trends in the health care profession, reports on the current supply and demand for health care workers in California and gaps in the educational pipeline producing workers in specific occupations and geographic areas, and recommends state policy to address issues of workforce shortages and distribution. (Health and Safety Code (HSC) §128052)
2. Requires the Board of Registered Nursing, Board of Vocational Nursing and Psychiatric Technicians, Physician Assistant Board, and Respiratory Care Board to collect certain data from its licensees at license issuance and renewal. The data must include specified information, including location of practice, race or ethnicity (this is optional for the licensee), gender, languages spoken, educational background, and classification of primary practice site, and to annually provide the data to OSHPD for inclusion in their required annual report. (Business and Professions Code (BPC) §§ 2717, 2852.5, 3518.1, 3770.1, and 4506)

This Bill:

1. Requires all DCA healing arts boards to collect certain workforce data from its licensees for future workforce planning. (BPC §502(a))
2. Allows the data to either be collected at electronic license application and license renewal, or at least biennially from a scientifically selected random sample of licensees. (BPC §502(a))
3. Requires the data collected to include at least the following (BPC §502(b)(1)):
 - a. City, county, and zip code of practice;
 - b. Type of employer or classification of practice;
 - c. Work hours;
 - d. Titles of positions held;
 - e. Time spent in direct patient care;
 - f. Clinical practice area;
 - g. Race or ethnicity;
 - h. Gender or gender identity;
 - i. Languages spoken;
 - j. Educational background;
 - k. Future work intentions; and
 - l. Job satisfaction.
4. Specifies that a licensee is not required to report their race or ethnicity to the Board. (BPC §502(b)(2))
5. Requires boards to keep the survey results received confidential and only release information in aggregate form. (BPC §502(c))
6. Requires each board to produce reports on the survey results at least biennially, and to post the information on its internet website. (BPC §502(d))
7. Requires either each board, or DCA on a board's behalf, to annually (beginning July 1, 2022) provide the data it collects to OSHPD for inclusion in their required annual report. (BPC §502(e))

Comment:

- 1) **Author's Intent.** In their factsheet for this bill, the author's office states the following:

"For millions of Californians, comprehensive access to healthcare depends on professionals who can provide culturally and linguistically appropriate medical services. The state collects data on some healthcare occupations, but the current data is insufficient for determining the state's capacity to address the needs of our diverse population. California needs a workforce that has the skills, cultural competency, and linguistic expertise needed to properly reach and treat diverse communities.

To make progress on this issue, we must expand demographic data collection on healthcare workers. By expanding demographic data collection, the state can better identify healthcare disparities and craft solutions to ensure comprehensive coverage and greater healthcare access for all Californians."

- 2) **Current Practice.** Current law does not mandate that licensees provide demographic data, so the Board cannot require it. The Board does ask some demographic questions at the end of its renewal applications; however, completion of the questions is completely voluntary. **Attachment A** shows the information that is currently voluntarily collected at renewal.

Board staff receives frequently receives questions about the demographics of its licensing population. Requiring licensees to report various types of demographic and workforce data would help the Board have a more accurate picture of its licensing population. This would assist it in identifying disparities, and in conducting more effective outreach.

- 3) **Previous Legislation.** AB 2102 (Ting, Chapter 420, Statutes of 2014) required the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board, and the Board of Vocational Nursing and Psychiatric Technicians to collect and report specific demographic data relating to its licensees to OSHPD.

- 4) **Support and Opposition**

Support:

- SF Jewish Vocational Services (Sponsor)
- California Pan-Ethnic Health Network (Sponsor)

Opposition:

- None at this time.

5) History

2021

03/04/21 Referred to Com. on B. & P.

02/22/21 Read first time.

02/20/21 From printer. May be heard in committee March 22.

02/19/21 Introduced. To print.

6) Attachments

Attachment A – Current Renewal Survey (Voluntary)

ASSEMBLY BILL

No. 1236

Introduced by Assembly Member Ting

February 19, 2021

An act to add Section 502 to, and to repeal Sections 2717, 2852.5, 3518.1, 3770.1, and 4506 of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 1236, as introduced, Ting. Healing arts: licensees: data collection.

Existing law requires the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board of California, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to regulate and oversee the practice of healing arts within their respective jurisdictions and to, among other things, collect and report specific demographic data relating to their licensees, subject to a licensee's discretion to report their race or ethnicity, to the Office of Statewide Health Planning and Development. Existing law requires these boards to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license. Existing law also authorizes the Board of Registered Nursing to expend \$145,000 to implement these provisions.

This bill would repeal those provisions and would, instead, require all boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information and to post the information on the internet websites that they each maintain.

This bill would, commencing July 1, 2022, require each board, or the Department of Consumer Affairs on its behalf, to provide the

information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 502 is added to the Business and
2 Professions Code, to read:
3 502. (a) A board that supervises healing arts licensees under
4 this division shall collect workforce data from its licensees as
5 specified in subdivision (b) for future workforce planning. The
6 data may be collected at the time of electronic application for a
7 license and license renewal, or at least biennially from a
8 scientifically selected random sample of licensees.
9 (b) (1) The workforce data collected by each board about its
10 licensees shall include, at a minimum, information concerning all
11 of the following:
12 (A) City, county, and ZIP Code of practice.
13 (B) Type of employer or classification of primary practice site
14 among the types of practice sites specified by the board, including,
15 but not limited to, clinic, hospital, managed care organization, or
16 private practice.
17 (C) Work hours.
18 (D) Titles of positions held.
19 (E) Time spent in direct patient care.
20 (F) Clinical practice area.
21 (G) Race or ethnicity, subject to paragraph (2).
22 (H) Gender or gender identity.
23 (I) Languages spoken.
24 (J) Educational background.
25 (K) Future work intentions.

1 (L) Job satisfaction ratings.

2 (2) A licensee may, but is not required to, report their race or
3 ethnicity to the board.

4 (c) Each board shall maintain the confidentiality of the
5 information it receives from licensees under this section and shall
6 only release information in an aggregate form that cannot be used
7 to identify an individual.

8 (d) Each board shall produce reports containing the workforce
9 data it collects pursuant to this section, at a minimum, on a biennial
10 basis. Aggregate information collected pursuant to this section
11 shall be posted on each board's internet website.

12 (e) Each board, or the Department of Consumer Affairs on its
13 behalf, shall, beginning on July 1, 2022, and annually thereafter,
14 provide the data it collects pursuant to this section to the Office
15 of Statewide Health Planning and Development in a manner
16 directed by the office that allows for inclusion of the data into the
17 annual report it produces pursuant to Section 128052 of the Health
18 and Safety Code.

19 SEC. 2. Section 2717 of the Business and Professions Code is
20 repealed.

21 SEC. 3. Section 2852.5 of the Business and Professions Code
22 is repealed.

23 SEC. 4. Section 3518.1 of the Business and Professions Code
24 is repealed.

25 SEC. 5. Section 3770.1 of the Business and Professions Code
26 is repealed.

27 SEC. 6. Section 4506 of the Business and Professions Code is
28 repealed.

29 SEC. 7. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 502 of the Business and Professions
31 Code, imposes a limitation on the public's right of access to the
32 meetings of public bodies or the writings of public officials and
33 agencies within the meaning of Section 3 of Article I of the
34 California Constitution. Pursuant to that constitutional provision,
35 the Legislature makes the following findings to demonstrate the
36 interest protected by this limitation and the need for protecting
37 that interest:

- 1 In order to protect the privacy of licensees, while also gathering
- 2 useful workforce data, it is necessary that some information
- 3 collected from licensees only be released in aggregate form.

O

Online Renewal Survey: Healing Art Survey - Information

LCSW License Renewal Application - Healing Art Survey - Information

Please consider completing the following optional survey questions relating to your healing arts profession. Completion of the survey helps determine health professionals' shortages and improves access to patient care. If you do not wish to complete this component of the survey, select 'Next' at the bottom of the screen to proceed forward with your application.

Press "Previous" to return to the previous section.

Enter appropriate details and press "Next" to continue.

Press "Cancel" to exit this application.

Additional Credentials/Certificates:

Are you presently pursuing credentials or certifications in addition to your previously obtained qualifying degree?

☐ Yes ☐ No

If you answered 'Yes' to the previous question, please enter the name of the credential/certification:

If you are pursuing additional credentials or certifications, what is the expected year of completion (e.g. 2018)?

If applicable, please enter the name of the school at which you are pursuing your additional credential/certification:

If applicable, please enter the address of the school at which you are pursuing your additional credential/certification:

Cultural/Ethnic Background:

If you identify your cultural/ethnic background as African American, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as American Indian/Native American/Alaskan Native, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as Caucasian/White European/Middle Eastern, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as Latino/Hispanic, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as Latino/Hispanic, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Asian, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select 'Yes.'

☐ Yes ☐ No

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.'

☐ Yes ☐ No

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

☐ Yes ☐ No

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

Drop down list for “Latino/Hispanic”

Select Yes.

If you identify your cultural/ethnic background as Latino/Hispanic, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Asian, please select 'Yes.'

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

Central American
Cuban
Mexican
Puerto Rican
South American
Other Hispanic

Drop down list for “Asian”

If you identify your cultural/ethnic background as Asian, please select the appropriate value from the dropdown options.

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select 'Yes.'

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Cambodian
Chinese
Filipino
Hmong
Indian
Indonesian
Japanese
Korean
Laotian
Malaysian
Pakistani
Singaporean
Thai
Vietnamese
Other

Drop down list for “Native Hawaiian/Pacific Islander”

If you identify your cultural/ethnic background as Native Hawaiian/Pacific Islander, please select the appropriate value from the dropdown options.

If you do not identify with any of the cultural/ethnic backgrounds listed in this survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Fijian
Guamanian
Hawaiian
Samoa
Tongan
Other Pacific Islander

Drop down list for “Languages”

Survey, please select Yes.

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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Afrikaans
Albanian
American Sign Language
Amharic
Apache
Arabic
Armenian
Bantu
Bengali
Bisayan
Bulgarian
Burmese
Cajun
Cambodian
Cantonese (Yue Chinese)
Chamorro
Cherokee
Croatian
Czech
Dakota
Danish
Dutch
Farsi
Fijian
Finnish
Formosan (Amis)
French
French Creole
German

Greek
Gujarati
Haitian Creole
Hebrew
Hindi
Hmong
Hsiang (Xiang Chinese)
Hungarian
Ibo
Ilocano/Iloko
Indonesian
Italian
Japanese
Kannada
Keres
Korean
Kru
Kurdish
Lao
Lettish
Lithuanian
Macedonian
Malayalam
Mandarin
Mande
Marathi
Marshallese
Mien (Lu Mien)
Mon-Khmer
Norwegian

Next Cancel

Next Cancel

survey, please select 'Yes.'

If you decline to state your cultural/ethnic background, please select 'Yes.'

Languages:

Are you fluent in languages other than English? If yes, please identify these languages in the drop downs below.

Language 1:

Language 2:

Language 3:

Language 4:

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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Navajo
Nepali
Panjabi (Punjabi)
Pashto
Patois
Persian
Polish
Portuguese
Rumanian
Russian
Samoan
Sebuano
Serbian
Serbo-Croatian
Sinhalese
Slovak
Spanish
Swahili
Swedish
Syriac
Tagalog
Tamil
Telugu
Thai
Tonga
Turkish
Ukrainian
Urdu
Vietnamese
Yiddish

Yoruba
Other (not listed)
Decline to state

Next Cancel

Drop down list for "Retirement"

Retirement:

Please select the value from the dropdown that best represents when you plan to retire.

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Within the next 2 years
Within the next 5 years
Within the next 10 years
Not planning to retire within the next 10 years
Already Retired
Retired, work part time
Plan to work part time