

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 2222

VERSION: AMENDED APRIL 5, 2022

AUTHOR: REYES

SPONSOR: CALIFORNIA COALITION FOR YOUTH

RECOMMENDED POSITION: NONE

SUBJECT: STUDENT FINANCIAL AID: GOLDEN STATE SOCIAL OPPORTUNITIES PROGRAM

Summary: This bill creates the Golden State Social Opportunities Program, which would provide grants of up to \$20,000 per year for qualifying students enrolled in a postgraduate program if they commit to working in a California-based nonprofit setting for their required postdegree hours of supervised experience as an associate registered with this Board or the Board of Psychology.

Existing Law:

- 1) Creates the Licensed Mental Health Service Provider Education Program within the Department of Health Care Access and Information (HCAI). (Health and Safety Code (HSC) §§128454(a))
- 2) Defines a “licensed mental health service provider” to include several types of licensed mental health professionals, including marriage and family therapists, associate marriage and family therapists, licensed clinical social workers, associate clinical social workers, licensed professional clinical counselors, and associate professional clinical counselors. (HSC §128454(b)(1))
- 3) Allows any licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area to apply for grants under this program to reimburse educational loans related to a career as a licensed mental health service provider. (HSC §128454(c))
- 4) Creates an additional account in the Mental Health Practitioner Education Fund, dependent on appropriation by the Legislature. Money from this account is to be used to provide grants to repay education loans for marriage and family therapists, associate marriage and family therapists, licensed clinical social workers, associate clinical social workers, licensed professional clinical counselors, and associate professional clinical counselors who commit to providing direct patient care in a publicly funded facility or mental health professional shortage area for at

least 24 months, and who were formerly in California's foster youth care system. (HSC §128455)

- 5) Requires the California Student Aid Commission (CSAC) to administer the Golden State Teacher Grant Program. The program provides one-time grants of up to \$20,000 to qualifying students enrolled in a professional preparation program leading to a preliminary teaching credential if the student commits to working in a high-need field at a priority school for four years after receiving their credential. (Education Code (EC) §69617)

This Bill:

- 1) Creates the Golden State Social Opportunities Program (Program), to be administered by the California Student Aid Commission (CSAC). (EC §69820)
- 2) Provides grants of up to \$20,000 per year for qualifying students enrolled in a postgraduate program if they commit to working in a California-based nonprofit setting for their required postdegree hours of supervised experience pursuant to BPC §4980.43 (for LMFTs), 4996.23 (for LCSWs), 4999.46 (for LPCCs), or as required with the Board of Psychology. (EC §69821(b)(1))
- 3) To qualify for the grant, the postgraduate program must be from the University of California, California State University, or a nonpublic higher education institution formed as a nonprofit corporation in this state and accredited by an agency recognized by the United States Department of Education. (EC 69821(b)(1))
- 4) Defines a "California-based nonprofit" as a California-based institution where contributions have been determined by the IRS to be tax-deductible pursuant to Section 501(c)(3) of Title 26 of the Internal Revenue Code. (EC 69821(a)(1))
- 5) Establishes that priority for the grants goes first to current or former foster youth and homeless youth, and second to individuals who are currently employed at a California-based nonprofit. (EC §69821(b)(4))
- 6) Requires the grant recipient to agree to work in a California-based nonprofit setting for two years. They have four years upon completion of their postgraduate program to meet that requirement. (EC §69821(c)(1))
- 7) Requires the grant recipient to do all of the following (EC §69821(c)(1)):
 - Be enrolled in or have successfully completed a postgraduate program from an accepted school;
 - Maintain good academic standing while enrolled; and

- Upon completing the program, satisfy the requirements to become an associate clinical social worker, associate professional clinical counselor, associate marriage and family therapist, or a registered psychological associate.
- 8) Requires this Board or the Board of Psychology, as applicable, to certify to CSAC that a grant recipient has not obtained registration as an associate or has not performed the commitment to work in a California-based nonprofit for at least two years. (EC §69821(c)(2))
 - 9) Requires the grant recipient to repay 25 percent of the annual grant, up to the full amount, for each year the fail to meet the requirements listed in Item #7 above. (EC §69821(c)(1))
 - 10) Establishes certain exceptions to the repayment requirement, including the following (EC §69821(c)(3)):
 - This Board or the Board of Psychology deems the grant recipient has fulfilled their licensing requirements.
 - The grant recipient has a condition covered under the federal Family and Medical Leave Act of 1993 or similar state law.
 - The grant recipient was called to active duty status as a member of the U.S. Armed Forces reserves for more than 30 days.
 - 11) Allows CSAC to adopt regulations as necessary to implement the grant program, including emergency regulations. (EC §69821(e))
 - 12) Requires CSAC to evaluate the program's effectiveness to graduate, train, and license associates, and to submit report on the effectiveness to the Department of Finance and the Legislature every 2 years. (EC §69821(f))
 - 13) Requires implementation of this program only upon appropriation by the Legislature in the Budget Act of 2022. (EC §69822)

Comment:

- 1) **Author's Intent.** In their fact sheet, the author's office states the following:

"AB 2222 addresses critical shortages within the mental health workforce by reducing financial barriers for students as they complete their fieldwork to become LCSWs, LPCCs, or LMFTs....By prioritizing former foster and homeless youth for grants, AB 2222 will ensure California's mental health professionals are reflective of the communities they serve. This bill will also

improve quality of care for current foster and homeless youth, who will benefit from working with providers who share their lived experiences.”

- 2) **Board Tracking of Work Settings.** EC §69821(c)(2) of the bill states that the Board would be responsible for certifying that a grant recipient either failed to obtain registration as an associate or failed to work at a California-based nonprofit setting.

It would be feasible for CSAC to verify that a grant recipient obtained and kept their registration number current, by utilizing the Board’s online license lookup feature. However, any requirement that the Board track and ensure maintenance of a registration number for grant recipients would have a significant fiscal, as the Board would need modifications to its Breeze program and staff to monitor this.

However, it would not be feasible for the Board to report on whether a registrant failed to uphold their commitment to work in a California-based nonprofit setting for two years. The Board does not track what setting registrants are actively working in. Upon completion of all experience hours, the registrant turns those hours in for verification by the Board that they have met the supervised experience requirement. However, this is not done until all hours are collected, and it may be several years before experience hours are submitted. For this reason, verification that grant recipients are working in a nonprofit setting should be verified in real-time by CSAC.

- 3) **Unclear if Work Requirement can be Fulfilled while in School.** The language in the bill is unclear if a student grant recipient can begin to fulfill their two-year nonprofit work commitment while still in school completing practicum, or if they must first graduate and be a registered as an associate. The bill should clarify this.

Because trainees/interns still in school are working under the jurisdiction of their school, and are not registered with the Board yet, the Board would not be able to verify or confirm their student status. This would need to be verified to CSAC by the school.

- 4) **Repayment Exception Unclear.** EC §69820(c)(3)(A) includes a grant repayment exception, stating that a grant recipient does not have to repay their grant for failing to meet the program’s requirements if “The Board of Behavioral Sciences deems the grant recipient to have fulfilled the grant recipient’s licensing requirements.”

This is unclear and should be further clarified. It appears to imply that upon licensure, the grant recipient does not have complete their two-year commitment to working in a nonprofit setting if they have not yet done so.

In addition, CSAC should verify a grant recipient’s licensure using the Board’s online license lookup feature. If the Board is required to track grant recipients and

their license and registration status, then the Board will need funding for Breeze updates and additional positions.

- 5) **Funding Source.** The implementation of this bill is contingent on funding via the Budget Act of 2022. The author's office states that they are asking for funding of \$150 million over five years.
- 6) **Related Legislation.** There are several similar bills running this year that seek to address the mental health provider shortage through financial incentives:
 - **AB 1635 (Nguyen)** creates a new account in the Mental Health Practitioner Education Fund to provide grants to repay education loans for specified Board licensees and registrants who commit to providing direct patient care for at least 24 months in an organization that provides mental health services to individuals who have been referred there by a suicide prevention hotline.
 - **AB 2123 (Villapudua)** seeks to provide housing grants to certain specified health professionals in health professional shortage areas, to be used for mortgage payments.
 - **AB 2666 (Salas)** establishes a stipend program for students in behavioral health fields of study and practice, who are participating in internships or completing licensure hours, through unpaid positions, at federally qualified health centers, with priority to mental health professional shortage areas and underrepresented groups in the behavioral health workforce.
 - **SB 1229 (McGuire)** creates a grant program under HCAI to increase the number of mental health professionals serving children and youth. It proposes awarding grants of up to \$25,000 to post-graduate students enrolled in an accredited social work program, or a program designed to lead to licensure as an LMFT or LPCC if the student meets specified criteria, including agreeing to work in an eligible California-based nonprofit entity or a local education agency when gaining their required postgraduate supervised experience hours required for licensure.
- 7) **Previous Legislation.**
 - **AB 1188 (Chapter 557, Statutes of 2017)** increased the Mental Health Practitioner fee that LMFTs and LCSWs pay upon license renewal from \$10 to \$20. It also required LPCCs to pay a \$20 fee into the fund upon license renewal (they previously were not included in the program) and allows LPCCs and associate PCCs to apply for the loan repayment grant if they work in a mental health professional shortage area.
 - **AB 2143 (Caballero, 2018)** proposed allowing psychiatric mental health nurse practitioners and physician assistants, who also hold a specified license

with this Board or the Board of Psychology, and who work in a psychiatric mental health setting, to be eligible for the Mental Health Practitioner Education fund loan repayment grant program. The Board had taken an “oppose unless amended” position on this bill, and it was vetoed by the Governor.

- **AB 2608 (Chapter 585, Statutes of 2018)** created a new account under the Mental Health Practitioner Education Fund loan repayment grant program specifically for loan repayment grants for LMFT, LCSW, and LPCC licensees and registrants who were formerly in California’s foster youth care system.

8) Support and Opposition.

Support:

- California Coalition for Youth (Sponsor)
- Aspiranet

Opposition:

- None at this time.

9) History

2022

04/06/22 Re-referred to Com. on HIGHER ED.

04/05/22 From committee chair, with author's amendments: Amend, and re-refer to Com. on HIGHER ED. Read second time and amended.

02/24/22 Referred to Com. on HIGHER ED.

02/16/22 From printer. May be heard in committee March 18.

02/15/22 Read first time. To print.

ASSEMBLY BILL

No. 2222

Introduced by Assembly Member Reyes

February 15, 2022

An act to add Article 16 (commencing with Section 69820) to Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to student financial aid.

legislative counsel's digest

AB 2222, as amended, Reyes. Student financial aid: Golden State Social Opportunities Program.

Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending postsecondary educational institutions in the state.

This bill, upon appropriation by the Legislature for its purposes, would establish the Golden State Social Opportunities Program to provide grants to students who are enrolled in an in-state postgraduate program from a University of California or California State University campus or an independent institution of higher education, if the student commits to working in a California-based nonprofit eligible setting for their required postdegree hours of supervised experience, as provided. The bill would require, except as provided, a grant recipient to repay the grant to the state, as specified, for each year the recipient fails to be enrolled in, or have successfully completed, a postgraduate program from a University of California or California State University campus or an independent institution of higher education, fails to maintain good academic standing while enrolled in the postgraduate program, or fails

to satisfy the requirements to become an associate clinical social worker, an associate professional clinical counselor, ~~or an associate marriage and family therapist~~ *therapist, or a registered psychological associate* upon completion of the postgraduate program.

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. Article 16 (commencing with Section 69820) is
2 added to Chapter 2 of Part 42 of Division 5 of Title 3 of the
3 Education Code, to read:

4
5 Article 16. The Golden State Social Opportunities Program

6
7 69820. This article shall be known, and may be cited, as the
8 Golden State Social Opportunities Program.

9 69821. (a) As used in this section, ~~“program”~~ *the following*
10 *definitions apply:*

11 (1) *“California-based nonprofit” means an institution based*
12 *in the state to which contributions have been determined by the*
13 *United States Internal Revenue Service to be tax-deductible*
14 *pursuant to Section 501(c)(3) of Title 26 of the Internal Revenue*
15 *Code.*

16 (2) *“Program” means the Golden State Social Opportunities*
17 *Program.*

18 (b) (1) The Golden State Social Opportunities Program is hereby
19 established. The commission shall administer the program. Under
20 the program, the commission shall provide a grant of up to twenty
21 thousand dollars (\$20,000) annually to each student who is enrolled
22 in a postgraduate program from a University of California or
23 California State University campus or an independent institution
24 of higher education, as defined in subdivision (b) of Section 66010,
25 if the student commits to working in a California-based nonprofit
26 eligible setting for their required postdegree hours of supervised
27 experience pursuant to Section ~~4980.43 or 4999.33~~ *2913, 2914,*
28 *4980.43, 4996.23, or 4999.46* of the Business and Professions
29 Code.

1 (2) (A) Money appropriated for the program in the Budget Act
2 of 2022 shall be available for encumbrance or expenditure by the
3 commission until June 30, 2027.

4 (B) Grants awarded under the program shall not exceed the
5 amount appropriated for the program in the Budget Act of 2022.

6 (3) Grant funding shall be used to supplement, but not supplant,
7 other sources of grant-based financial aid.

8 (4) The commission shall give grant priority as follows:

9 (A) First priority for current or former foster youth and homeless
10 youth.

11 (B) Second priority for individuals who are currently employed
12 at a California-based nonprofit.

13 (c) (1) A grant recipient shall agree to work in a
14 California-based nonprofit eligible setting for two years and shall
15 have four years, upon completion of the recipient's postgraduate
16 program, to meet that obligation. Except as provided in paragraph
17 (3), a grant recipient shall agree to repay the state 25 percent of
18 the total amount of a grant awarded to the recipient annually, up
19 to full repayment of the grant, for each year the recipient fails to
20 do one or more of the following:

21 (A) Be enrolled in, or have successfully completed, a
22 postgraduate program from a University of California or California
23 State University campus or an independent institution of higher
24 education, as defined in subdivision (b) of Section 66010.

25 (B) While enrolled in the postgraduate program, maintain good
26 academic standing.

27 (C) Upon completion of the postgraduate program, satisfy the
28 requirements to become an associate clinical social worker, an
29 associate professional clinical counselor, ~~or an associate marriage~~
30 ~~and family therapist.~~ *therapist, or a registered psychological*
31 *associate.*

32 (2) (A) Nonperformance of the commitment to work in a
33 California-based nonprofit eligible setting for two years or obtain
34 registration as an associate clinical social worker, an associate
35 professional clinical counselor, or an associate marriage and family
36 therapist shall be certified by the Board of Behavioral Sciences to
37 the commission.

38 (B) *Nonperformance of the commitment to work in a*
39 *California-based nonprofit eligible setting for two years or obtain*

1 *a license as a registered psychological associate shall be certified*
2 *by the Board of Psychology to the commission.*

3 (3) Any exceptions to the requirement for repayment shall be
4 defined by the commission, and may include, but shall not
5 necessarily be limited to, any of the following:

6 (A) The Board of Behavioral Sciences deems the grant recipient
7 to have fulfilled the grant recipient's licensing requirements.

8 (B) *The Board of Psychology deems the grant recipient to have*
9 *fulfilled the grant recipient's licensing requirements.*

10 ~~(B)~~

11 (C) The grant recipient has a condition covered under the federal
12 Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et
13 seq.) or similar state law.

14 ~~(C)~~

15 (D) The grant recipient was called or ordered to active duty
16 status for more than 30 days as a member of a reserve component
17 of the Armed Forces of the United States.

18 (d) The commission may use up to 5 percent of funding
19 appropriated for purposes of the program for program outreach
20 and administration.

21 (e) The commission may adopt regulations necessary for the
22 implementation of the program. The commission may adopt
23 emergency regulations it deems necessary for the implementation
24 of the program, in accordance with the rulemaking provisions of
25 the Administrative Procedure Act (Chapter 3.5 (commencing with
26 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
27 Code). For purposes of the Administrative Procedure Act, including
28 Section 11349.6 of the Government Code, the adoption of those
29 regulations shall be deemed to be an emergency and necessary for
30 the immediate preservation of the public peace, health and safety,
31 or general welfare, notwithstanding subdivision (e) of Section
32 11346.1 of the Government Code.

33 (f) (1) The commission shall conduct an evaluation of the
34 program to determine the effectiveness of the program to graduate,
35 train, and license associate clinical social workers, associate
36 professional clinical counselors, ~~and~~ associate marriage and family
37 ~~therapists.~~ *therapists, and registered psychological associates.*

38 (2) The commission shall submit a report on the effectiveness
39 of the program to the Department of Finance and the appropriate

1 fiscal and policy committees of the Legislature on or before
2 December 31, 2026, and every two years thereafter.
3 69822. This article shall only be implemented upon an
4 appropriation by the Legislature in the Budget Act *of* 2022 for its
5 purposes.

O