

Date of Hearing: March 20, 2018

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 2143 (Caballero) – As Introduced February 12, 2018

**NOTE:** *This bill is double referred and if passed by this Committee will be referred to the Assembly Committee on Health.*

**SUBJECT:** Licensed Mental Health Service Provider Education Program: providers.

**SUMMARY:** Adds physician assistants (PAs) who specialize in mental health services and psychiatric-mental health nurse practitioners (NPs) to the list of licensed mental health service providers eligible for educational loan repayment grants under the Licensed Mental Health Service Provider Education Program (LMHSPEP).

**EXISTING LAW:**

- 1) Requires the Office of Statewide Health Planning and Development (OSHPD) to establish the Health Professions Education Foundation (HPEF), a nonprofit public benefit corporation, to administer the Health Professions Education Fund and related scholarship and loan programs for students from underrepresented groups. (Health and Safety Code (HSC) §§ 128330 – 128371)
- 2) Establishes the LMHSPEP, an educational loan repayment program for defined licensed mental health service providers, within the HPEF. (HSC § 128454)
- 3) Defines “licensed mental health service provider” as:
  - a) A psychologist licensed by the Board of Psychology (BOP), a registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in in specified settings;
  - b) A licensed marriage and family therapist (LMFT) or associate marriage and family therapist (AMFT);
  - c) A licensed clinical social worker (LCSW) or associate clinical social worker (ACSW); and
  - d) After July 1, 2018, a licensed professional clinical counselor (LPCC) or associate professional clinical counselor (APCCs). (HSC § 128454(b)(1))
- 4) Authorizes a licensed mental health service provider who provides direct patient care in (1) a publicly funded facility or (2) a mental health professional shortage area to apply for grants under the loan repayment program to reimburse related educational loans. (HSC § 128454(c))
- 5) Requires that the fees collected from the licensed providers included under the program remain separate to ensure that all grants are funded by those fees collected from the

corresponding licensed provider groups, among other limitations and parameters for the loan repayment program. (BPC § 128454(d))

- 6) Establishes the BOP within the Department of Consumer Affairs (DCA) to license and regulate psychologists. (BPC § 2920)
- 7) Requires the BOP to collect until July 1, 2018, a \$10 fee at the time of a licensee's renewal and to transfer the fee to the Controller for deposit in the Mental Health Practitioner Education Fund. After July 1, 2018, the fee increases to \$20. (BPC § 2987.5)
- 8) Establishes the Board of Behavioral Sciences (BBS) within the DCA to license and regulate LMFTs, AMFTs, LCSWs, ACSWs, LPCCs, and APCCs. (BPC §§ 4984.7, 4996.3, and 4999.120).
- 9) Requires the BBS to collect until July 1, 2018, a \$10 fee at the time of a licensee's renewal and to transfer the fee to the Controller for deposit in the Mental Health Practitioner Education Fund. After July 1, 2018, the fee increases to \$20. (BPC §§ 4984.75, 4996.65)
- 10) Establishes the Physician Assistant Board (PAB) within the DCA to license and regulate PAs. (BPC §§ 3504-3512)
- 11) Establishes the Board of Registered Nursing (BRN) within the DCA to license and regulate registered nurses, including nurse practitioners and BRN-listed psychiatric mental health nurses. (BPC §§ 2701, 2732.05(a))
- 12) Requires the BRN to maintain a list of psychiatric mental health nurses for purposes of disability insurance. (Insurance Code § 10176(c))

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by the Legislative Counsel.

**COMMENTS:**

**Purpose.** This bill is sponsored by the **California Psychiatric Association**. According to the author, “[w]ith some estimates that during any one year 20-25% of the population will benefit from mental health services, and 50% of our population over their lifetime will require those services, it is critical that we address the current and future needs of our citizens, particularly in underserved areas, most of which happen to be rural. Psychiatric expertise combines both mental health and medical training so that patients have access not only to psychotropic and other medications, but in adding a dimension of medical training, provides more integrated treatment of the physical and mental health needs of the patient. Encouraging licensed mental health professionals to also acquire medical training will bolster the psychiatric workforce, increase access to psychiatric services and allow more timely interventions when people need it the most.”

**Background.** The LMHSPEP is one of several scholarship and loan repayment programs administered by the HPEF under OSHPD. Like the other HPEF programs, the LMHSPEP was statutorily created to encourage individuals from underrepresented communities to become health professionals and increase access to health providers in medically underserved areas.

According to the HPEF, an awardee under the LMHSPEP may receive up to \$10,000 to repay educational loans for up to a 24-month commitment practicing and providing direct patient care in a qualified facility. Qualified facilities include publicly funded or public mental health facilities, non-profit mental health facilities that contract with a county entity to provide mental health services, and designated mental health professions shortage areas.

By adding the specified practitioners to the list of licensees under the LMHSPEP, this bill seeks to increase the number of advanced practice medical professionals who specialize in mental health professionals practicing in designated shortage areas and incentivize mental health licensees to pursue additional licensure as a PA or an NP.

*PAs.* PAs provide health care services under the supervision of a physician and surgeon using delegation of services agreements (DSAs). PA functions include performing diagnostic, therapeutic, preventive, and health maintenance services. The PAB is the licensing entities under the DCA that licenses and regulates PAs. According to the DCA's *2017 Annual Report*, the PAB has over 10,000 licensed PAs. Currently, there is no specialty license or certification for PAs.

*Psychiatric Mental Health NPs.* Nurse practitioners are advanced practice registered nurses (RNs). RNs that meet the additional training and education requirements may apply with the BRN. The BRN also tracks psychiatric mental health nurses for purposes of disability insurance policies. RNs that meet the additional education and training may apply to become a BRN-listed psychiatric mental health nurse, but there is no additional scope of practice. According to the DCA's *2017 Annual Report*, the BRN has over 23,600 certified NPs and 324 psychiatric mental health nurses. It is unclear how many of the 324 psychiatric mental health nurses are also NPs.

**Prior Related Legislation.** AB 1188 (Nazarian), Chapter 557, Statutes of 2017 increased from \$10 to \$20 the additional license renewal fee collected by the BOP from psychologists and by the BBS from LMFTs and LCSWs for the Licensed Mental Health Service Provider Education Program; added LPCCs to the definition of "licensed mental health service provider" for participation in the Licensed Mental Health Service Provider Education Program (Loan Program); and required the BBS to collect the additional \$20 licensure renewal fee from Licensed Professional Clinical Counselors (LPCCs).

SB 1204 (Hernández) of 2016, would have increased from \$10 to \$20 the additional licensure renewal fee for Psychologists, LMFTs, and LCSWs, and required the BBS to collect the additional \$20 renewal fee from LPCCs for deposit and participation in the Loan Program and would have increased the license application and renewal charge from \$25 to \$50 for physicians and osteopathic physicians to fund the Steven M. Thompson Physician Corps Loan Repayment Program. *NOTE: This bill was held in the Senate Committee on Business, Professions and Economic Development.*

AB 2543 (Berg) of 2008 would have established the Geriatric and Gerontology Workforce Expansion Act which allows any geriatric service provider, as defined, to apply for grants, on or after January 1, 2010, under the existing Licensed Mental Health Service Provider Education Program to reimburse for educational loans related to a career as a LMFT or intern or LCSW who provides geriatric services, as specified. *NOTE: This bill was vetoed by Governor Schwarzenegger because it would have double-assessed fees for similar programs on the same professions.*

AB 1852 (Yee), Chapter 557, Statutes of 2006, revised the definition of “licensed mental health care practitioner” related to the Loan Program to include a marriage and family therapist intern, associate clinical social worker, a psychologist licensed by the BOP, and a registered psychologist, postdoctoral psychological assistant, or postdoctoral psychology trainee employed in an exempt setting, as specified.

AB 938 (Yee), Chapter 437, Statutes of 2003, established the Licensed Mental Health Provider Education Program, to be developed by the Health Professions Education Foundation after soliciting advice from specified boards and agencies, to provide grants to specified practicing mental health providers in return for service in medically underserved areas. The Loan Program became operational January 1, 2005 and funded by a \$10 surcharge on specified mental health professionals’ licensing fees, which would be deposited in the Mental Health Practitioner Education Fund.

### **ARGUMENTS IN SUPPORT:**

The **California Psychiatric Association (sponsor)** writes in support, “[t]here are too few psychiatrists available to provide psychiatric services to meet demand in California, particularly in community mental health systems or underserved areas. Further, current expansion in psychiatric training programs is not sufficient to keep pace with increases in population, particularly as the psychiatric profession ‘grays’ and a substantial number approach retirement age.

[This bill] offers a solution by encouraging licensed mental health professionals to acquire further, medical training as a PA or PMHNP and to work in one those settings. Programs of education for PAs and NPs have for several decades provided well established pathways to gain competent medical training. PAs and NPs practice under the supervision of a physician and are able to provide medical care as well as medications. In a dually licensed individual who is both a mental health professional and medically trained the two skill sets would be merged and available to individuals in a publicly funded facility or mental health professional shortage area. A win win.”

### **ARGUMENTS IN OPPOSITION:**

None on file.

### **POLICY ISSUE FOR CONSIDERATION:**

*Adding Additional License Types.* Licensed Educational Psychologists (LEPs) are the only license type that is issued by the BBS that is not included under the program. Because it takes time for the HPEF to implement additional license types and to accumulate enough funds specific to the new license type to issue a grant, it may be better to add them sooner rather than later.

According to the DCA’s *2017 Annual Report*, there were a total of 2,073 LEPs, 850 of which renewed that year (they renew on a biennial cycle). Assuming a similar number of LEPs continue to cover a grant or two in underserved areas.

Adding LEPS to this program may also incentivize more credentialed school psychologists to take the exam to become LEPS. According to the Department of Education's DataQuest, there are close to 5,900 credentialed school psychologists in California.

#### **IMPLEMENTATION ISSUES:**

*PA and NP Fees.* The LMHSPEP is supported by fees from the included license types. However, this bill does not add a fee for the new licensees.

#### **AMENDMENTS:**

- 1) Require the HPEF to notify the PAB when a PA accepts an award under the program, and require the PAB to charge a \$20 fee at the time of the awardee's renewal:

#### ***Section 3521.4 is added to the Business and Professions Code to read:***

***3521.4.*** (a) *Notwithstanding subdivision (c) of Section 3521.1, upon notification from the Health Professions Education Foundation that a licensee has accepted an award to repay educational loans as part of the Licensed Mental Health Service Provider Education Program established under Health and Safety Code Section 128454, the board shall do both of the following:*

*(1) In addition to the fees charged pursuant to Section 3521.1 for the biennial renewal of a license, the board shall collect an additional fee from the awardee of twenty dollars (\$20) at the time the of renewal.*

*(2) The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.*

*(b) This section shall become operative on July 1, 2019.*

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

*(c)(1) Any licensed mental health service provider, including a mental health service provider who is employed at a publicly funded mental health facility or a public or nonprofit private mental health facility that contracts with a county mental health entity or facility to provide mental health services, who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under the program to reimburse his or her educational loans related to a career as a licensed mental health service provider, including educational loans used to pay for education used for licensure as a physician assistant or psychiatric mental health nurse practitioner as defined under subparagraphs (F) and (G) of paragraph (1) of subdivision (b).*

*(2) Upon acceptance of the contractual agreement specified under paragraph (1) of subdivision (d) by a physician assistant as defined under subparagraph (F) of paragraph (1) of subdivision (b), the Health Professions Education Foundation shall notify the Physician Assistant Board for purposes of collecting the fee.*

- 2) Require the BRN to charge a \$20 fee at the time of renewal for NPs who are also listed as a psychiatric mental health nurse with the BRN:

***Section 2815.2 is added to the Business and Professions Code is to read:***

***2815.2.*** (a) Notwithstanding subdivision (d) of Section 2815.5, the board shall do both of the following:

(1) In addition to the fees charged pursuant to Section 2815.5(d) for the biennial renewal of a license, the board shall collect from a nurse practitioner who is listed as a "psychiatric mental health nurse" under Section 2732.05 an additional fee of twenty dollars (\$20) at the time the of renewal.

(2) The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

(b) This section shall become operative on July 1, 2019.

- 3) Add LEPs and have BBS charge the corresponding fee:

***Section 4989.69 is added to the Business and Professions Code is to read:***

***4989.69.*** (a) Notwithstanding paragraph (3) of subdivision (a) of Section 4989.68 and in addition to the fees charged pursuant to Section 4989.68 for the biennial renewal of a license, the board shall collect an additional fee of twenty dollars (\$20) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

(b) This section shall become operative on July 1, 2019.

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

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

(1) "Licensed mental health service provider" means the following licensees:

(A) A psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, or postdoctoral psychology trainee employed in an exempt setting pursuant to Section 2910 of the Business and Professions Code or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code.

(B) A licensed marriage and family therapist or associate marriage and family therapist.

(C) A licensed clinical social worker or associate clinical social worker.

*(D) A licensed professional clinical counselor or associate professional clinical counselor.*

*(E) A licensed educational psychologist.*

*(F) A physician assistant who specializes in mental health services.*

*(G) A nurse practitioner licensed to practice pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code and listed as a psychiatric-mental health nurse.*

- 4) Delay the implementation date for the new provisions under this bill to July 1, 2019.
- 5) Make conforming changes.

**REGISTERED SUPPORT:**

California Psychiatric Association (sponsor)

**REGISTERED OPPOSITION:**

None on file.

**Analysis Prepared by:** Vincent Chee / B. & P. / (916) 319-3301