

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 2862 **VERSION:** AMENDED APRIL 17, 2024
AUTHOR: GIPSON **SPONSOR:** AUTHOR
POLICY & ADVOCACY COMMITTEE RECOMMENDATION: NONE
SUBJECT: DEPARTMENT OF CONSUMER AFFAIRS: AFRICAN AMERICAN APPLICANTS

Summary:

This bill would require boards within the Department of Consumer Affairs (DCA) to prioritize applications for African American applicants, especially those who are descended from a person enslaved in the United States.

Existing Law:

- 1) Requires Boards under DCA to expedite the initial licensure process for applicants who are honorably discharged members of the U.S. Armed Forces. (Business and Professions Code (BPC) §115.4)
- 2) Requires DCA boards to expedite the licensure process and waive the licensure application fee and the initial license fee for applicants who have a current license in the same profession in another state, and who are married to, or in a domestic partnership or other legal union with an active-duty member of the U.S. Armed Forces who is assigned to active duty in California. (BPC §115.5).
- 3) Requires DCA boards to expedite the licensure process for applicants who can demonstrate that they have been admitted to the U.S. as a refugee, have been granted asylum, or who hold a special immigrant visa. (BPC §135.4)
- 4) Requires the Medical Board of California to give priority review status to applicants who can demonstrate they intend to practice in a medically underserved area or serve a medically underserved population, as defined in §128522 of the Health and Safety Code (HSC). They must provide proper documentation to prove this, which may include a letter from the employer indicating acceptance of employment and a start date. (BPC §2092)
- 5) Requires the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process for applicants who demonstrate that they intend to provide abortions within the scope of practice of their license. (BPC § 870)

This Bill:

- 1) Requires boards under DCA to prioritize African American applicants seeking licenses, especially those who are descended from a person enslaved in the U.S. (BPC §115.7(a))
- 2) Includes a sunset date of January 1, 2029. (BPC §115.7(b))

Comments:

- 1) **Author's Intent.** In its fact sheet for the bill, the author's office states the following, noting that they are proposing the bill to alleviate internal barriers and deficiencies African Americans have experienced descending from enslaved persons:

"The Department of Justice has issued a Reparations Task Force Report, which presented evidence of deficiencies African Americans are facing in the business and professions sector. As a result of the Task Force Report, the Task Force presented a list of evidence and recommendations for the Legislature to take to address the disparities. AB 2862 is inspired by a policy recommendation from the report."

- 2) **Board Impact.** It is unclear how the Board would verify whether an applicant is African American and how it would determine whether an applicant is descended from a person who was enslaved. Since this bill applies to all DCA boards, standards should be clearly defined so that all boards use the same process and criteria.

It is unknown how many individuals would apply for an expedited license under this allowance, however, without clearly defined criteria, the workload associated with verifying race and that someone descended from enslaved persons could be costly and pull staff time away from evaluating applications, increasing processing times for all applicants.

- 3) **Staff Recommendation.** Staff recommends that the Board consider taking an "Oppose unless Amended" position on this bill, requesting amendments that clearly define the criteria an applicant must meet and the verifying information that they must provide, in order to qualify for expedited licensure.
- 4) **Related Legislation.** The following related bills are being proposed this year:

AB 2442 (Zbur) would require the Medical Board, the Osteopathic Medical Board, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process for applicants who demonstrate they intend to provide gender-affirming health care or gender-affirming mental health care in their scope of practice.

SB 1067 (Smallwood-Cuevas) would require boards to expedite the licensure process to give priority review status to an applicant who intends to practice in a medically underserved area or serve a medically underserved population.

5) Support and Opposition

Support:

- California African American Chamber of Commerce
- Greater Sacramento Urban League

Opposition:

- Pacific Legal Foundation

Oppose Unless Amended:

- Respiratory Care Board of California (*This board is asking for an amendment that would “allow for self-identification of African American ethnicity by the applicant, as well as the inclusion of a provision that requires the applicant to provide evidence that he or she is the descendant of a person enslaved in the United States.”, noting that otherwise, the board will incur significant time and expense to identify these applicants, which would slow down application processing.*)

6) History

04/23/24 From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 2.) (April 23). Re-referred to Com. on APPR.

04/18/24 Re-referred to Com. on JUD.

04/17/24 Read second time and amended.

04/16/24 From committee: Amend, and do pass as amended and re-refer to Com. on JUD. (Ayes 13. Noes 2.) (April 16).

04/08/24 In committee: Set, first hearing. Hearing canceled at the request of author.

03/11/24 Referred to Coms. on B. & P. and JUD.

02/16/24 From printer. May be heard in committee March 17.

02/15/24 Read first time. To print.

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AMENDED IN ASSEMBLY APRIL 17, 2024
california legislature—2023–24 regular session

ASSEMBLY BILL

No. 2862

Introduced by Assembly Member Gipson
(Coauthors: Assembly Members Juan Carrillo and Lowenthal)

February 15, 2024

An act to add ~~Division 1.1 (commencing with Section 473) to and repeal Section 115.7~~ of the Business and Professions Code, relating to professions and vocations.

legislative counsel's digest

AB 2862, as amended, Gipson. ~~Licenses: Department of Consumer Affairs:~~ African American applicants.

Existing law ~~prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.~~ *establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.*

This bill would require *those* boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would ~~define various terms for these purposes.~~ *repeal those provisions on January 1, 2029.*

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 115.7 is added to the Business and
2 Professions Code, to read:

3 115.7. (a) Notwithstanding any other law, a board shall
4 prioritize African American applicants seeking licenses, especially
5 applicants who are descended from a person enslaved in the United
6 States.

7 (b) This section shall remain in effect only until January 1, 2029,
8 and as of that date is repealed.

9 SECTION 1. ~~Division 1.1 (commencing with Section 473) is~~
10 ~~added to the Business and Professions Code, to read:~~

11
12 ~~DIVISION 1.1. PRIORITIZATION OF LICENSES~~

13
14 ~~473. (a) For purposes of this division:~~

15 (1) ~~“Board” includes “bureau,” “commission,” “committee,”~~
16 ~~“department,” “division,” “examining committee,” “program,”~~
17 ~~and “agency.”~~

18 (2) ~~“License” includes certificate, registration, or other means~~
19 ~~to engage in a business or profession regulated by this code.~~

20 (b) ~~Notwithstanding any other law, a board shall prioritize~~
21 ~~African American applicants seeking licenses, especially applicants~~
22 ~~who are descended from a person enslaved in the United States.~~

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