
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: SB 396 **Hearing Date:** April 19, 2017
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Version: April 4, 2017
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: University of California: California Medical Residency Training Pilot Program

NOTE: This bill has been referred to the Committees on Education and *Health*. A "do pass" motion should include referral to the Committee on *Health*.

SUMMARY

This bill requests the Regents of the University of California (UC), by July 31, 2018, to develop and implement a California Medical Residency Training Pilot program for students who meet the requirements adopted by the UC Regents for receiving an exemption from paying non-resident tuition that are equivalent to the provision established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001).

BACKGROUND

Existing law:

- 1) Under the California Constitution establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, § (9)(a) of the California Constitution)
- 2) Established by AB 540, (Firebaugh, Chapter 814, Statutes of 2001) exempts specified California nonresidents from paying nonresident tuition at the University of California (UC), California State University (CSU), and the California Community Colleges (CCC) if they meet all of the following:
 - a. Satisfaction of either of the following:
 - i. High school attendance in California for three or more years.
 - ii. Attainment of credits earned in California for three or more years high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools or a combination of those schools.
 - b. Graduated from a California high school or attained an equivalent degree.

- c. Registered or attended an accredited California higher education institution, not before fall of the 2001-02 academic year.
 - d. Filed an affidavit, if an alien without lawful immigration status, stating that the student has filed an application to legalize their immigration status or will file such an application as soon as they are eligible to so do. (Education Code § 68130.5)
- 3) Requires the Trustees of the California State University (CSU) and the Board of Governors of the California Community College (CCC), and request the University of California (UC) Regents, to establish procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. (EC § 66021.6)
 - 4) Prohibits licensing boards under the Department of Consumer Affairs from denying licensure to an applicant based on his or her citizenship or immigration status. (Business and Professions Code § 30)
 - 5) Clarifies that a person without lawful immigration status, and/or a person who is exempt from nonresident tuition who meets requirements to attend medical school at any public or private institution may attend and be eligible for certain grant programs associated with the health care field. (Business and Professions Code § 2064.3)

ANALYSIS

This bill:

- 1) Request the Regents of the UC to, by July 31, 2018, to develop and implement a California Medical Residency Training Pilot Program for students interested in training in California who meet requirements for receiving an exemption from paying nonresident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001).
- 2) Encourages the UC Regents to ensure that the pilot program has, at a minimum, all of the following components:
 - a) Serves to identify eligible students to match with UC medical institutions that are equipped to provide medical residency training.
 - b) Establishes a process for admitted participants to receive grants scholarships, and stipends while participating in the program.
 - c) Adheres to existing state and national medical residency accreditation program standards.
 - d) Provides medical residents the same quality and rigorous medical

residency program available under the federal match program, including faculty supervision, training, and assessment.

- e) Provides participants comparable benefits provided to residents in the federal match program, including but not limited to, medical insurance during their participation in the program.
 - f) Prioritizes applicants who demonstrate an interest in serving medically underserved areas in California.
 - g) Prioritizes applicants who are bilingual or multilingual.
 - h) Ensures that all students interested in training in California who are exempt from paying nonresident tuition, as specified, apply for and participate in, the pilot program regardless of their immigration status and without violating federal law.
 - i) Requires, when mandatory disclosure of a social security number is required from an applicant to participate in the program, the applicant to provide his or her social security number, if one has been issued, or his or her individual tax identification number.
- 3) Encourages the University of California (UC) Regents to establish admissions and eligibility criteria and procedures and forms that enable eligible students to apply for, and participate in, the pilot program.
 - 4) Establishes the California Medical Residency Training Program Fund in the State Treasury and provides that moneys in the fund are available for the administration of the program and upon appropriation by the Legislature.
 - 5) Authorizes the California Medical Residency Training Program Fund to be funded by both private and public funds, as specified.
 - 6) For purposes of securing funding for the pilot program, authorizes the UC Regents to apply to receive funding from the Song-Brown Health Care Workforce Training Act, among other state funding programs.
 - 7) Establishes that personal information of a student collected or obtained for the pilot program is not a public record for purposes of the California Public Records Act and can only be collected, used and retained to administer the program and prohibits disclosure of the personal information to any other person, except as provided. This bill allows disclosure of aggregated data that does not reveal personal identifying information about the student.
 - 8) States legislative findings and declarations demonstrating that the interest protected by the limitation described in 7) above and the need for protecting that interest.

- 9) State legislative findings and declarations related to the state's continued support and investment in immigrant children and the barrier that still exist for students pursuing professional training in the medical field.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, the state has demonstrated a willingness to invest in undocumented students by qualifying them state aid programs and opening doors in other areas of medical training. However, these students are unable to access residency programs because medical residents are placed through a federally-administered match program. Allowing the National resident Matching Program to place undocumented students to participate would require changes in federal law. The author asserts, while the University of California (UC) currently admits residents who qualify for the Deferred Action for Childhood Arrivals (DACA) program, it does not benefit all undocumented students and uncertainty about the future of the DACA program current residents could lose their temporary status and some current residents may choose not to renew their application.

This bill seeks to establish a pathway for participation in medical residency training programs for students who meet the criteria established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001).

- 2) **Is a bill necessary?** Aside from the multiple benefits, an initiative like a California Medical Residency Training Program may offer relative to meeting the state's need for physicians in underserved areas, it would seem that legislation is unnecessary to encourage that the UC establish a program given the UC's constitutional autonomy as noted in the background of this analysis. According to the author, the state is positioned to benefit from this type of program and it is incumbent upon the Legislature to issue guidance, draw attention to and encourage action on issues it deems important.
- 3) **Related activity at UC.** UC operates six schools of medicine, which are located in Davis, Irvine, Los Angeles, Riverside, San Diego, and San Francisco. In 2014-15, total enrollment in these programs was approximately 3,000 medical students and more than 5,000 medical residents. Nearly 50 percent of medical students and medical residents in California are trained by the UC.
- 4) **Residency programs.** Medical students enter residency programs after they have completed medical school. A person who enrolls in a residency program is no longer considered a traditional student but a physician in training and thus an employee of the participating hospital. As such, residency programs present a barrier for undocumented students who are not authorized to work. According to the author's office, it appears that the UC has explored the establishment of an alternative path for these students that does not conflict with federal law but have yet to find a solution. This bill seeks to offer a framework for that path of which the UC is encouraged to consider.
- 5) **Difference between DACA and AB 540 students?** According to a report issued by Pre-Health Dreamers, those with DACA status with work authorization

are eligible for employment and able to participate in residency program. As noted by in comment #1, not all AB 540 students are eligible for Deferred Action for Childhood Arrivals (DACA) status. State law established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001), exempts certain students who meet the eligibility requirements, as noted in the background of this analysis, from paying nonresident tuition, regardless of their immigration status. Students who meet the exemption requirements may apply for state-administered financial aid such as grants and fee waivers. In contrast DACA is a federal process that defers removal action of an individual for a specified numbers year. Specifically, it allows people who came to the United States as children and meet several guidelines to request consideration of deferred action for a period of two years, subject to renewal. It also allows those who are eligible to have work authorization. A person can be eligible for both the exemption established by AB 540 and DACA status or just either one (i.e. AB 540 students with DACA status, AB 540 only or DACA only). Participation in the proposed medical residency program, is contingent on AB 540 eligibility and it appears that an AB 540 student with or without DACA status may participate.

SUPPORT

ACLU of California
California Immigrant Policy Center
California Pan-Ethnic Health Network
Coalition for Humane Immigrant Rights
Community Clinic Association of Los Angeles County
Courage Campaign
Doctors for America
State Council of the Service Employees International Union (SEIU)
United Farm Workers

OPPOSITION

None received.

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