



August 5, 2019

The Honorable Anthony Portantino  
Chair, Senate Appropriations Committee  
State Capitol, Room 3086  
Sacramento, CA 95814

**SUBJECT: AB 5 (Gonzalez) – SUPPORT IF AMENDED**

Dear Senator Portantino:

California's ever-shifting health care environment, paired with significant workforce shortages in critical areas of specialization, means that communities across the state must rely on independent health care contractors to provide vital, uninterrupted support for patients. For hospitals, this means using independent contractors when employees are on a leave of absence, when recruiting for open positions, and to supplement staffing for community health programs. For independent contractors, this partnership means greater employment flexibility, control over work-life balance, and more economic choices.

**That's why the organizations on this letter would be pleased to support AB 5 if it is amended to recognize and protect the important role independent contractors play in health care.**

To date, we have supported CalChamber's position on AB 5 to address several outstanding concerns. However, this letter is intended to address a May 24 amendment to the bill that would adversely impact many independent health care contractors.

The May 24 amendment would create a framework in which an employer could continue to utilize independent contractor relationships with a variety of professionals. However, the independent contractors that are signatories to this letter **are expressly excluded** by subsection (c)(2)(B)(ii), which

states that “professional services” do not include professionals engaged in the fields of health care or medicine.

In effect, AB 5 would make it illegal for any hospital to ever utilize an independent contractor to provide or support patient care.

**As you know, patient care relies on a nimble, robust workforce that includes both employees and independent contractors. Independent contractors are essential to provide effective, efficient care. These longstanding, mutually beneficial relationships would be undermined by AB 5 and access to care would suffer.**

For these reasons, we ask that AB 5 be amended to eliminate the provision that excludes health care professionals, in addition to the amendments sought by CalChamber. If these amendments are included, we would be pleased to support this bill.

American’s Physician Groups

California Association for Health Services at Home

California Association for Licensed Professional Clinical Counselors

California Association for Nurse Practitioners

California Association of Health Facilities

California Association of Marriage and Family Therapists

California Association of Nurse Anesthetists

California Hospital Association

California Optometric Association

California Physical Therapy Association

California Psychological Association

California Society for Respiratory Care

LeadingAge California

National Association of Social Workers, California Chapter

Occupational Therapy Association of California

cc: The Honorable Lorena Gonzalez  
The Honorable Members of Senate Appropriations Committee  
Robert Ingenito, Consultant, Senate Appropriations Committee  
Anthony Archie, Consultant, Senate Republican Caucus