AB 2191 (Emmerson)- Healing Arts: Behavioral Sciences: Licensure

Introduced February 18, 2010, Amended in Assembly March 25, 2010

This bill requires the Board of Behavioral Sciences to issue a retiree professional license to a marriage and family therapist (MFT), educational psychologist (EP), clinical social worker (LCSW) or professional clinical counselor (PCC) who holds a current license or a license eligible for renewal. This bill establishes a $40 fee for retiree licensee categories created by this bill.

This bill establishes retiree licenses in several areas under the jurisdiction of BBS to allow retired therapists, educational psychologists, social workers, and counselors to maintain an active status at a lower cost and without appearing delinquent or non-compliant with professional standards.

Under current law professionals who may benefit from this bill are required to pay a biennial fee that is one-half the standard for license renewals. For example, under current law, a retiree would have to pay $90 a year to maintain a license. This bill will establish a retiree license with payment of a one-time $40 fee.

AMENDED IN ASSEMBLY MARCH 25, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 2191

Introduced by Assembly Member Emmerson

February 18, 2010

An act to amend Sections 4984.7, 4989.68, 4996.3, and 4999.120 of, and to add Sections 4984.41, 4989.45, 4997.1, and 4999.113 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as amended, Emmerson. Healing arts: behavioral sciences: licensure.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, educational psychologists, and professional clinical counselors by the Board of Behavioral Sciences within the Department of Consumer Affairs. Existing law fixes the license fees and creates the Behavioral Sciences Fund in the State Treasury into which these license fees are deposited. Existing law specifies requirements for renewal of these licenses, including completing continuing education, as specified.

This bill would require the board to issue a retired license to a marriage and family therapist, clinical social worker, educational psychologist, and professional clinical counselor who holds a license that is current and active or capable of being renewed, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action. The bill would prohibit a retired license holder from engaging in any activity for which an active license

in his or her respective profession is required. The bill would provide that a retired license holder may have his or her license restored to active status if the holder has not committed an act or crime constituting grounds for denial of licensure, and the holder applies for licensure, pays the required fee, passes the examination required for licensure, and completes specified continuing education requirements. The bill would fix the retired license fee at $40.

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 4984.41 is added to the Business and
2 Professions Code, to read:
3 4984.41. (a) The board shall issue, upon application and
4 payment of the fee fixed by this chapter, a retired license to a
5 marriage and family therapist who holds a license that is current
6 and active or capable of being renewed, and whose license is not
7 suspended, revoked, or otherwise punitively restricted by the board
8 or subject to disciplinary action under this chapter.
9 (b) The holder of a retired license issued pursuant to this section
10 shall not engage in any activity for which an active marriage and
11 family therapist license is required.
12 (c) The holder of a retired license shall not be required to renew
13 that license.
14 (d) The holder of a retired license issued less than five years
15 prior to the application date, who has not committed an act or crime
16 constituting grounds for denial of licensure, may restore his or her
17 license to practice marriage and family therapy to active status by:
18 (1) Paying the renewal fee required by this chapter.
19 (2) Completing the required continuing education as specified
20 in Section 4980.54.
21 (e) The holder of a retired license issued more than five years
22 prior to the application date, who has not committed an act or crime
23 constituting grounds for denial of licensure may have his or her
24 license to practice marriage and family therapy restored to active
25 status by:
26 (1) Applying for licensure and paying the fee required by this
27 chapter.
28 (2) Passing the examinations required for licensure.

SEC. 2. Section 4984.7 of the Business and Professions Code is amended to read:

4984.7. (a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

(1) The application fee for an intern registration shall be seventy-five dollars ($75).

(2) The renewal fee for an intern registration shall be seventy-five dollars ($75).

(3) The fee for the application for examination eligibility shall be one hundred dollars ($100).

(4) The fee for the standard written examination shall be one hundred dollars ($100). The fee for the clinical vignette examination shall be one hundred dollars ($100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars ($20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars ($180).

(7) The fee for license renewal shall be a maximum of one hundred eighty dollars ($180).

(8) The fee for inactive license renewal shall be a maximum of ninety dollars ($90).

(9) The renewal delinquency fee shall be a maximum of ninety dollars ($90). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(12) The fee for issuance of a retired license shall be forty dollars ($40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

SEC. 3. Section 4989.45 is added to the Business and Professions Code, to read:

4989.45. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed educational psychologist who holds a license that is current and active or capable of being renewed, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active educational psychologist license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license issued less than five years prior to the application date, who has not committed an act or crime constituting grounds for denial of licensure, may have his or her license to practice educational psychology restored to active status by:

(1) Paying the renewal fee fixed by this chapter.

(2) Completing the required continuing education as specified in Section 4989.34.

(e) The holder of a retired license issued more than five years prior to the application date, who has not committed an act or crime constituting grounds for denial of licensure, may have his or her license to practice educational psychology restored to active status by:

(1) Applying for licensure and paying the required fee.

(2) Passing the examinations required for licensure.

SEC. 4. Section 4989.68 of the Business and Professions Code is amended to read:

4989.68. (a) The board shall assess the following fees relating to the licensure of educational psychologists:

(1) The application fee for examination eligibility shall be one hundred dollars ($100).

(2) The fee for issuance of the initial license shall be a maximum amount of one hundred fifty dollars ($150).

(3) The fee for license renewal shall be a maximum amount of one hundred fifty dollars ($150).

(4) The delinquency fee shall be seventy-five dollars ($75). A person who permits his or her license to become delinquent may have it restored only upon payment of all the fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.

(5) The written examination fee shall be one hundred dollars ($100). An applicant who fails to appear for an examination, once having been scheduled, shall forfeit any examination fees he or she paid.

(6) The fee for rescoring a written examination shall be twenty dollars ($20).

(7) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(8) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(9) The fee for issuance of a retired license shall be forty dollars ($40).

(b) With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

SEC. 5. Section 4996.3 of the Business and Professions Code is amended to read:

4996.3. (a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars ($75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars ($75).

(3) The fee for application for examination eligibility shall be one hundred dollars ($100).

(4) The fee for the standard written examination shall be a maximum of one hundred fifty dollars ($150). The fee for the clinical vignette examination shall be one hundred dollars ($100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading

each examination and the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars ($20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars ($155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars ($155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents ($77.50).

(9) The renewal delinquency fee shall be seventy-five dollars ($75). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(12) The fee for issuance of a retired license shall be forty dollars ($40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

SEC. 6. Section 4997.1 is added to the Business and Professions Code, to read:

4997.1. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed clinical social worker who holds a license that is current and active or capable of being renewed and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active clinical social worker license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license issued less than five years prior to the application date, who has not committed an act or crime

constituting grounds for denial of licensure, may have his or her license to practice clinical social work restored to active status by:

(1) Paying the required renewal fee.

(2) Completing the required continuing education as specified in Section 4996.22.

(e) The holder of a retired license issued more than five years prior to the application date, who has not committed an act or crime constituting grounds for denial of licensure, may have his or her license to practice clinical social work restored to active status by:

(1) Applying for licensure and paying the required fees.

(2) Passing the examinations required for licensure.

SEC. 7. Section 4999.113 is added to the Business and Professions Code, to read:

4999.113. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a professional clinical counselor who holds a license that is current and active or capable of being renewed and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active professional clinical counselor license is required. ~~A licensed professional clinical counselor holding a retired license shall be permitted to use the titles "retired licensed professional clinical counselor" or "licensed professional clinical counselor, retired."~~

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license issued less than ~~three~~ *five* years prior to the application date, who has not committed an act or crime constituting grounds for denial of licensure, may have his or her license to practice professional clinical counseling restored to active status by:

(1) Paying the required renewal fee.

(2) Completing the required continuing education as specified in Section 4999.76.

(e) The holder of a retired license issued more than ~~three~~ *five* years prior to the application date, who has not committed an act or crime constituting grounds for denial of licensure, may have his or her license to practice professional clinical counseling restored to active status by:

(1) Applying for licensure and paying the required fees.

(2) Passing the examinations required for licensure.

SEC. 8. Section 4999.120 of the Business and Professions Code is amended to read:

4999.120. The board shall assess fees for the application for and the issuance and renewal of licenses and for the registration of interns to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

(a) The fee for the application for examination eligibility shall be up to two hundred fifty dollars ($250).

(b) The fee for the application for intern registration shall be up to one hundred fifty dollars ($150).

(c) The fee for the application for licensure shall be up to one hundred eighty dollars ($180).

(d) The fee for the jurisprudence and ethics examination required by Section 4999.54 shall be up to one hundred fifty dollars ($150).

(e) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars ($100).

(f) The fee for the written examination shall be up to two hundred fifty dollars ($250).

(g) The fee for the issuance of a license shall be up to two hundred fifty dollars ($250).

(h) The fee for annual renewal of licenses issued pursuant to Section 4999.54 shall be up to one hundred fifty dollars ($150).

(i) The fee for annual renewal of an intern registration shall be up to one hundred fifty dollars ($150).

(j) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars ($250).

(k) The fee for issuance of a retired license shall be forty dollars ($40).

O