AB 1588 (Atkins) – Professions and Vocations: Reservist Licensees: Fees and Continuing Education

Introduced February 6, 2012, Chaptered September 29, 2012

This bill requires boards under the Department of Consumer Affairs (DCA) to waive professional license renewal fees, continuing education (CE) requirements, and other renewal requirements as determined by the licensing board, for any licensee or registrant called to active duty.

Existing law authorizes members of the CNG or the U.S. Armed Forces to reinstate his or her professional license or registration without examination or penalty if their license expired while the licensee or registrant was on active duty. Any licensee or registrant who continues to practice the profession for which he or she is licensed or registered for, either part-time or full-time, must maintain an active license in good standing, even while serving in the military. This bill only applies to military reservists called to active duty, and would exempt them from paying license renewal fees or fulfilling CE requirements during military service. License renewal fees and CE requirements vary according to each profession and its regulatory board, commission, or bureau.

The Board of Psychology's existing law, Business & Professions Code Section 2987.5, exempts licensees from the renewal payment under specific circumstances. This section prohibits licensees from engaging in private practice during the exemption period, thus the exemption shall not apply if the person engages in any practice for compensation other than full-time service in the Army, Navy, Air Force or Marines or in the United States Public Health Service or the Peace Corps or Vista. The Board's existing statute does not specifically apply to members of the California National Guard as it is currently written. It also provides that if a license is renewed within 60 days of the expiration of the license, the renewal fee for that period is waived.

Additionally, Business & Professions Code Section 114, as amended pursuant to AB 2500, Statutes of 2010, provides that a licensee may reinstate his or her license or registration without examination or penalty when certain circumstances apply.

<u>Senate amendments August 22, 2012</u>:

1) Replace all references to military reservists with references to licensees or registrants called to active duty.

2) Require the licensing board, if a licensee or registrant provides services for which he or she is licensed while on active duty, to convert the license status to military active status and disallow private practice of any type.

3) Prohibit a licensee or registrant from engaging in any activity requiring a license during the period that the waivers provided by this bill are in effect, unless the licensee or registrant will provide services for which he or she is licensed while on active duty and his or her license status is changed to military active status. In order

to engage in any licensed activities once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the licensing board within six months from the licensee's or registrant's date of discharge from active duty service.

4) Require a licensee or registrant, upon receiving notice of his or her discharge date, to notify the licensing board of his or her discharge from active duty within 60 days.

5) Authorize a licensing board to adopt regulations to carry out the provisions of this bill.

6) Make technical and clarifying changes.

Assembly Bill No. 1588

CHAPTER 742

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 29, 2012. Filed with Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill would, except as specified, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill would require a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

The people of the State of California do enact as follows:

SECTION 1. Section 114.3 is added to the Business and Professions Code, to read:

114.3. (a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

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