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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MEMORANDUM

DATE	**May 15, 2013**
TO	**Executive Officers, Executive Directors, Registrars & Bureau Chiefs**
FROM	Denise Brown **DENISE BROWN, Director** **Department of Consumer Affairs**
SUBJECT	**Implementation of AB 1588 (Atkins, 2012)**

As many of you are aware, legislation was passed last year that would allow a licensee to receive a waiver from renewal requirements if the licensee goes on active military duty. Over the past few months, the Department has received a number of inquiries from the Legislature, other state agencies, and some of its boards and bureaus (B/B) regarding the implementation of this bill, AB 1588 (Atkins, 2012). This memo will provide some background on the Department's current efforts. Additionally, the Department is putting together an information session for you, and any program staff you may wish to attend, to provide greater detail on the implementation of this bill.

OUTREACH & DATA COLLECTION

Outreach to your licensee populations and associations is vital to the successful implementation of the recently passed legislation related to the military.

Website Updates

The Department has placed information on this new law as well as other military legislation on its website. We are highly recommending all B/Bs provide a link to this webpage on your program's website: http://www.dca.ca.gov/about_dca/military.shtml

This should reduce program workload relating to the development and maintenance of this information (as it is likely that additional information will be necessary should further legislation impacting military personnel be passed). The Department is currently tracking and analyzing 12 pieces of legislation this session relating to the military.

Other Public Outlets - Email Lists/Social Media

In addition, other outreach efforts, such as updating email lists with the new information or mentioning the information on social media outlets, can significantly help. It is important for licensees to understand their options and it also reflects well on the B/B and the Department.

Data Collection

The Department has received a number of requests for data/statistics regarding the military. However, this is currently unavailable. In fact, there is currently legislation pending in California that would require each B/B to include a question on an application regarding whether an applicant previously served in the military (AB 1057, Medina).

Keeping track of the number of applications expedited (under AB 1904 – also passed in 2012), the number of waivers issued, etc. would be extremely helpful for the Department with responding to requests regarding the implementation of these new laws and will facilitate any necessary changes in the future. Please provide this information (the number of applications for expedite/waiver and the number of approvals) on a quarterly basis to the Division of Legislative & Policy Review (via Scott Allen – scott.allen@dca.ca.gov).

Military Email

The Department has also created a military email (military@dca.ca.gov) in order to assist in the implementation of the recent military legislation and provide support for each B/B in dealing with requests that may come to the Department rather than directly to the B/B. This email will be run through the Consumer Information Center (CIC). This will also assist the Department in tracking information related to military applicants and licensees.

TECHNICAL IMPLEMENTATION

We are in the process of transitioning to BreEZe, which precludes us from making any additional changes to the legacy system. For programs not in Release 1 of BreEZe, we must work within the existing structure of the Consumer Affairs System (CAS) for the time being. Therefore, the Department is modifying some of its previous suggestions from its December memo to its B/Bs regarding the technical implementation of AB 1588. The Department also suggests that each B/B work with their legal counsel to ensure a compliant process is developed.

Effective immediately,

- The Department is no longer suggesting that each B/B pursue the creation of a "Military Active" or "Military Inactive" status code at this time.

- Each B/B, until fully on BreEZe, should use a manual tracking process (Name, License #, Discharge Date, Expiration Date, etc.) for licensees who receive a renewal waiver similar to what is used for AB 1424 for tax debt suspensions.

- If a B/B has access to the status code "8" AND that status reflects a military designation – status code "8" should be used. If that is not possible, the B/B is advised to set the license status to "Active" or "Clear." This process should be sufficient in the short term for the majority of licensees seeking a renewal waiver.

- If a licensee has requested the "Military Active" status authorized by the bill and provided sufficient evidence/documentation, the B/B should keep that licensee as "Active."

- Each B/B is advised to set a secondary status code for "Military," if one does not currently exist. If you run into issues, contact OIS for assistance. This will also help the B/B with tracking these licensees. This process will be somewhat similar to what each B/B has implemented for AB 1424.

- A licensee on waiver must notify the B/B of his or her discharge date within 60 days of receiving the notice of discharge. Once a licensee on waiver has returned, he or she has six months to complete any renewal requirements set by the B/B in order to return to Active status. Once the B/B is aware of a licensee on waiver returning from active duty and has the licensee's date of discharge, the expiration date should be set for six months from the discharge date.

- Each B/B should also modify the automatic renewal flags, such as a renewal notice, from "Y" to "N" in order to avoid triggering other actions, such as switching the license to "Delinquent."

Renewal Forms

Renewal form changes are not possible at this time as it will also have programmatic impacts for CAS. It should be sufficient, until each B/B goes live on BreEZe, for a B/B to notify licensees of the availability of the waiver through current outreach efforts (website, email, etc.). Additionally, I have authorized the Department to cover the costs of including a "stuffer" be included with the renewal forms notifying licensees of the waiver process. This can be accomplished similarly to how licensees were initially notified about AB 1424.

The Department has approved language and will provide the language for this notice to every B/B that would like to review.

Modifying Current Procedures

Some B/Bs currently operate a "military waiver" process under other authority, such as Business and Professions Code Section 114. It is very important to review your current procedures with your legal counsel and ensure your B/B is compliant with the new requirements in AB 1588. While it may not be a significant issue, part of the intent of this legislation was to prevent a licensee's status from going into delinquency while the licensee is serving on active duty. This process, as outlined, should satisfy the needs of the licensee to avoid renewal requirements when going on active duty AND prevent the license from going into a delinquent status.

Should you have any further questions in regards to technical implementation requirements please contact the OIS Service Desk at (916) 574-8000 and request to speak with Gerry Lobo.

cc: Gerry Lobo