STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

BOARD OF PSYCHOLOGY – Administration
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MEMORANDUM

DATE	July 30, 2015
TO	Board of Psychology Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	**AB 750 (Low) Business and professions: licenses**

Background:

AB 750 (Low) Business and professions: licenses.

At the May Board Meeting the Board adopted a "support" position on AB 750 (Low).

SUMMARY: The bill would authorize any of the boards, bureaus, commissions, or programs within the Department of Consumer Affairs, except as specified, to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required.

LOCATION: 05/28/2015 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File. **Held under submission.**

Action Requested:

The staff recommendation is to continue to "Support" AB 750 (Low).

Attachment A is the analysis of AB 750.
Attachment B is the "support" letter for AB 750.
Attachment C is the language of AB 750.

CALIFORNIA STATE BOARD OF PSYCHOLOGY

BILL ANALYSIS

BILL NUMBER: AB 750 **VERSION:** AMENDED APRIL 16, 2015

AUTHOR: LOW **SPONSOR:** AUTHOR

RECOMMENDED POSITION: SUPPORT

SUBJECT: BUSINESS AND PROFESSIONS: RETIRED CATEGORY: LICENSES

Overview: This bill would allow boards and bureaus within the DCA to establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of a profession or vocation.

Existing Law:

1) Established the regulation of several licensing and regulatory programs under various boards, bureaus, commissions and programs within the Department of Consumer Affairs.

2) The holder of an inactive license issued pursuant to this section shall not engage in any activity for which a license is required.

Proposed Law:

1) Would add Section 463 to the Business and Professions Code (BPC) and provide for the following

2) Allow any board, bureau, commission, or program within the department to establish, by regulation, a system for a retired category of licensure for persons not actively engaged in the practice of their profession or vocation. (Proposed BPC §463 (a))

3) Would specify that any regulation would need to prohibit the holder of the retired license from engaging in any activity for which a license is required unless the board specifies criteria under which certain activities may be performed. (Proposed BPC §463 (b) (1))

4) Would specify that the holder of the retired licensed shall not be required to renew the license. (Proposed BPC §463 (b) (2))

5) Would set forth the provisions to restore the licensee shall meet including the following: (Proposed BPC §463 (b) (3))

   Payment of a fee (Proposed BPC §463 (b) (3) (a))

   Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial (Proposed BPC §463 (b) (3) (b))

   Comply with the fingerprint submission requirements (Proposed BPC §463 (b) (3) (c))

Completion of CE, unless a different requirement is specified by the board (Proposed BPC §463 (b) (3) (d))

Complete any additional requirements established by regulation (Proposed BPC §463 (b) (3) (e))

6) Allow the board the authority to investigate actions of any licensee, including a license that is retired, inactive, cancelled, revoked, or suspended. (Proposed BPC §463 (c))

Comment:

1) **Author's Intent.** According to the author, "An occupational license can be sent to 'inactive' for various reasons, including violations and non-renewal. The same is done for those individuals who decided to retire - a troublesome label, as an 'inactive' status holds negative connotations and does not appropriately illustrate the decades of service from the license holder. Some licensees disfavor the inactive license designation and would prefer a retired license designation."

2) **Common Licensee Request.** The most common constituency call the Board receives from a legislator is from licensees questioning why they must go on "inactive" status or not pay the $50.00 inactive renewal and become "delinquent" or more recently "expired".

3) **Discretion for Board to permit "Retired" practice.** AB 750 would allow the Board to create through regulation a "retired" license status and permits the Board the discretion to determine under what conditions a licensee can practice under a "retired" license; "shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation" (Proposed BPC §463 (b) (1)).

4) **Strategic Plan Goal.** Licensing Goal Plan 1.9 of the 2014-2018 Strategic Plan calls for the Board to "Create 'retired' status for licensed psychologists". AB 750 will permit the Board to achieve this goal through regulation by the end of 2017.

5) **Fiscal Impact.** In the event the Board adopts regulations to implement AB 750 staff foresees a revenue loss. The "retired" would most likely be drawn from our existing inactive status. We currently have 2,664 inactive licensees. Inactive licensees pay $50 every two years. Assuming 2,000 inactive licensees switch to retired, we would lose approximately $100,000 in revenue every two years. The bill requires no additional staff or office space.

6) **BreEZe Impact.** There is a potentially high cost associated with the addition of a new license type in the BreEZe system, however, this cost would be addressed during the regulatory process. This is because AB 750 does not mandate the Board to establish the "retired" status.

7) **History**

2015
05/28/15 In committee: Held under submission.
04/29/15 In committee: Set, first hearing. Referred to APPR. suspense file.
04/20/15 Re-referred to Com. on APPR.
04/16/15 Read second time and amended.
04/15/15 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (April 14).

04/07/15 In committee: Hearing postponed by committee.
04/07/15 Re-referred to Com. on B. & P.
04/06/15 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.
03/12/15 Referred to Com. on B. & P.
02/26/15 From printer. May be heard in committee March 28.
02/25/15 Read first time. To print.

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May 22, 2015

The Honorable Evan Low
California State Assembly
State Capitol, Room 2175
Sacramento, CA 95814

RE: **AB 750 (LOW) – BUSINESS AND PROFESSIONS: RETIRED CATEGORY: LICENSES SUPPORT**

Dear Assemblymember Low:

The California Board of Psychology (Board) is proud to **SUPPORT AB 750**, which would allow boards and bureaus within the DCA to establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of a profession or vocation.

Currently the Board has no statutory authority to issue a retired license. A psychologist may place his or her license on "inactive" status or not pay the $50.00 inactive renewal and become "delinquent". A psychologist who has worked under a license for decades will appear in our system as "inactive" or "delinquent". This situation will be remedied by the creation of a retired license category.

The Board's 2014-2018 Strategic Plan calls for creation of a 'retired' status for licensed psychologists. AB 750 will permit the Board to achieve this goal through regulation.

The Board's mission is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113. Thank you.

Sincerely,

MICHAEL ERICKSON, PH.D.
President, Board of Psychology

California LEGISLATIVE INFORMATION

AB-750 Business and professions: retired category: licenses. (2015-2016)

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 06, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL **No. 750**

Introduced by Assembly Member Low

February 25, 2015

An act to add Section 463 to the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 750, as amended, Low. Business and professions: retired category: licenses.

Existing law provides for numerous boards, bureaus, commissions, or programs within the Department of Consumer Affairs that administer the licensing and regulation of various businesses and professions. Existing law authorizes any of the boards, bureaus, commissions, or programs within the department, except as specified, to establish by regulation a system for an inactive category of license for persons who are not actively engaged in the practice of their profession or vocation. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. Existing law defines "board" for these purposes to include, unless expressly provided otherwise, a bureau, commission, committee, department, division, examining committee, program, and agency.

This bill would additionally authorize any of the boards, bureaus, commissions, or programs within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 463 is added to the Business and Professions Code, to read:

463. (a) Any of the boards, bureaus, commissions, or programs within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

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

(3) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by regulation.

(B) ~~Not have~~ *Certify, in a manner satisfactory to the board, that he or she has not* committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.