

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGY

MEMORANDUM

TO: Credential Committee

Date: January 26, 2011

FROM: Lavinia F. Snyder
Licensing/Registration Coordinator

SUBJECT: Discuss Retirement Status for Proposed Legislation

At the last quarterly meeting, the Board discussed the possibility of a retired status for psychology licensees. Attached is a brief outline of the Medical Board's and the Board of Behavioral Science's requirements.

Questions	Medical Board	Board of Behavioral Science
Who may obtain a retired license?	Any Licensee	Any licensee with a current and active or capable of renewing. Licensee is not suspended, revoked or otherwise punitively restricted by the Board or subject to disciplinary action.
Can I engage in any professional activity?	No	No
Is there an application to apply for Retired status?	Yes	Yes
Is there a fee to apply for retired status?	If license is current, no fee is required	Yes (\$40.00)
Do I need to renew my retired status?	Yes. \$25.00 fee. Exempt from CME	No

Frequently asked questions from each Board are attached.

Retired Status – Medical Board

A licensee who applies for a retired license will be exempt from payment of the renewal fees and the continuing medical education (CME) requirements. However, California Business and Professions Code section 2436.5 requires all licensees to pay a mandatory fee of \$25 at the time of issuance or renewal of a physician's and surgeon's license to the Physician Loan Repayment Program. The Physician Loan Repayment Program encourages recently licensed physicians to practice in underserved locations in California by authorizing a plan of repayment of their medical school loans in exchange for their service in a designated medically underserved area for a minimum of three years.

The holder of a retired license may not engage in the practice of medicine.

To receive a fee exemption, a licensee must apply for the status change before the expiration date of the license. If the license is current, no fee is required.

If the license is in a delinquent status, a payment of all accrued renewal fees, delinquent fee, the \$25 mandatory fee, and penalty fee must be submitted with the application.

For further information, please contact the Consumer Information Unit at (800) 633-2322 or (916) 263-2382.

Who is eligible for retired status?

Any physician can apply for retired status.

The holder of a retired license may not engage in the practice of medicine in California.

Physicians who hold a retired license will be exempt from the continuing medical education requirements.

Can I act as a medical director or perform utilization reviews with a retired license?

No. Utilization review decisions constitute the "practice of medicine." A medical director/physician who reviews and makes medical necessity determinations is considered to be "practicing medicine" as the medical director's decision directly impacts the treatment the patient will receive.

Can I perform disability evaluations or provide an opinion or recommendation about a worker's compensation claim if it does not involve direct patient contact?

No. Making a decision regarding the medical necessity or appropriateness, for an individual patient, of any treatment or other medical service, constitutes the "practice of medicine." Despite the fact that the physician does not see or examine the patient, a decision regarding the patient's medical condition and possible need for further treatment is being made and is considered to be the "practice" of medicine and an active license is required.

If I have a retired license, can I still write prescriptions?

No. A physician with a retired license cannot write prescriptions or practice medicine in California.

How do I apply for a retired status?

A "Retired Physician Application for Exemption from Payment of Renewal Fee No Practice Allowed" must be completed and mailed to the Medical Board of California.

Is there a fee to apply for retired status?

If you are renewing at the same time as you apply for retired status, you must submit the \$25 mandatory fee for the Physician Loan Repayment Program with the application.

If the license is current, no fee is required.

What if my license is delinquent?

If the medical license is delinquent, a payment of all accrued renewal fees, delinquent fee, the \$25 mandatory fee, and penalty fee must be submitted with the application. Please contact the Board at (800) 633-2322 or (916) 263-2382 for information on delinquent fees due.

Do I still need to complete my CME credits while on retired status?

No. The holder of a retired license is exempt from the continuing medical education requirements.

How does a physician return to active status?

The physician must first complete the "Application to Restore License to Full, Active Status from Inactive, Disabled or Fee Exempt Status or from Disabled Status to Active Status with Limitations on Practice", and pay the full renewal fee.

The physician must also document completion of 50 hours of continuing medical education (CME) within the past two years. The documentation of these hours must be submitted with the application. Acceptable documents are letters or certificates of attendance that show completion of CME courses, with the name of the provider, the name and date of the course, the number of approved CME hours completed, and your name as the participant. If you do not have the documentation, you must contact the provider of the CME courses you have participated in and request verification.

Please note all licenses expire at midnight on the last day of the birth month of the licensee during the second year of a two-year term. A physician who chooses to restore a license to active status in the middle of a renewal cycle, (depending upon date of birth), may have a renewal period of fewer than 24 months. There are no provisions in California law for prorating licensing fees.

Can I own shares in a medical corporation with a retired license?

No. The laws governing shareholders require that a physician must be duly licensed to render professional services and, under Business & Professions Code section 2439, the holder of a retired license is not permitted to render professional services.

Can I own a medical clinic with a retired license?

No. A physician not authorized to engage in the practice of medicine may not own a business that is engaged in the practice of medicine.

Can I be a "partner" in a professional practice with a retired license?

No. Physician partnerships are permitted, under Business & Professions Code section 2416, for the purpose of allowing physicians to "conduct their professional practice." The holder of a retired license is prohibited from conducting a professional practice, which would preclude him or her from being a partner in a professional practice.

Retired License Information – Board of Behavioral Science

If you are license holder and not currently practicing, you may apply for and receive a retired license. The general information below is provided to assist with any questions you may have.

1. **Who May Obtain a Retired License?**

Effective January 1, 2011, a person who is a licensee of the Board of Behavioral Sciences (Board) may now obtain a retired license if the following conditions are met:

- The license is current and active, or capable of being renewed;
- The license is not suspended, revoked, or otherwise punitively restricted by the Board or subject to disciplinary action.

2. **What are the Restrictions on a Retired Licensee?**

A person holding a retired license may not engage in any activity for which an active license issued by the Board is required.

3. **How do I apply for a Retired License?**

You must submit an application form to the Board and pay a fee. The application form will be available in January 2011.

4. **When can I apply for a Retired License?**

The Board will begin accepting applications for a retired license on January 1, 2011.

5. **What is the Fee for a Retired License?**

The fee for issuance of a retired license is \$40.

6. **Do I Need to Renew my Retired License?**

A retired license does not need to be renewed.

7. **How Will I Receive Proof of my Retired License Status?**

If the application for a retired license is approved, a retired license certificate will be mailed to the retired licensee as proof of their status.

8. **What if my License is Inactive?**

Licensees with an inactive license may apply for retired license status if the license is eligible for renewal. If an individual's license is delinquent, all outstanding requirements for renewal must be met before an application for retired status can be processed.

9. **What are the Differences Between an Inactive License and a Retired License?**

The main differences between an inactive license and a retired license are as follows:

- An inactive licensee pays a biennial fee equal to one-half of the standard renewal fee. A retired licensee pays a one-time fee of \$40.
- An inactive licensee may restore his or her license to active status upon request, including payment of the renewal fee and completion of continuing education as required by law.
- A retired licensee may restore his or her license to active status if they meet specified requirements based on how long their license has been in retired status. These requirements are described in items 10 and 11 below.
- Neither an inactive licensee nor a retired licensee is permitted to engage in any activity for which an active license issued by the Board is required.

10. **How do I Restore my Retired License to Active Status? (If Retired License was Issued Less than 5 Years Ago)**

A person requesting to restore his or her retired license to active status whose retired license was issued less than 5 years ago must meet the following requirements:

- No crime constituting grounds for license denial has been committed.
- The prescribed renewal fee is paid.
- All required continuing education is completed.
- Fingerprints are submitted as required by the Board.

A person requesting to restore his or her retired license to active status whose retired license was issued less than 1 year ago must complete 18 hours of continuing education as required by their licensing law.

A person requesting to restore his or her retired license to active status whose retired license was issued 1 or more years ago must complete 36 hours of continuing education as required by their licensing law.

11. **How do I Restore my Retired License to Active Status? (If Retired License Issued 5 or More Years Ago)**

A person requesting to restore his or her retired license to active status whose retired license was issued less than 5 years ago must meet the following requirements:

- No crime constituting grounds for license denial has been committed.
- Licensure must be applied for and the prescribed renewal fee paid.
- The required licensing examinations are passed.
- Fingerprints are submitted as required by the Board.