

***AB 186 (Maienschein) – Professions and Vocations: Military Spouses: Temporary Licenses.***

***Introduced January 28, 2013, Amended May 24, 2013***

This bill would require boards under the Department of Consumer Affairs (DCA) to issue a 12-month temporary license to the spouse or domestic partner of a military service member on active duty licensed in another state if they are eligible to have their application for a permanent license expedited pursuant to Business and Professions Code § 115.5.

**Recent Legislation**

AB 1904 (Chapter 399, Statutes of 2012) became law on January 1, 2013, and added Business and Professions Code Section 115.5 which requires the Board to expedite the licensing process for an applicant who is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, if the applicant holds a current license in the same profession in another state. Specifically, Business and Professions Code Section 115.5:

- 1) Requires a board within DCA to expedite the licensing process for an applicant who is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California. (Business and Professions Code (BPC) §115.5(a))
- 2) States that in order for the license to be expedited, the military spouse must hold a current license in another state in the same profession for which he or she is seeking a California License. (BPC §115.5(a))

This bill attempts to take the provisions of AB 1904 further by requiring boards to issue a 12-month temporary license to the spouse or domestic partner of a military member on active duty if they are eligible to have their application for a permanent license expedited.

**Specifically, this bill:**

- 1) Requires a board under DCA to issue a 12-month temporary license to an applicant who is a military spouse or domestic partner while the license application is being processed, if:
  - a) The applicant submits an affidavit attesting that the information submitted in the application is accurate;
  - b) The applicant submits written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing;
  - c) The applicant, upon the board's request, submits fingerprints for a background check;
  - d) The applicant has not committed any act in any jurisdiction that constitutes grounds for the denial, suspension, or revocation of the professional license by

the respective board under the Business and Professions Code at the time the act was committed; and,

- e) The applicant has not been disciplined by a licensing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

2) Requires the temporary license to expire 12 months after issuance, upon issuance of an expedited permanent license, or upon denial of a permanent license, whichever occurs first.

3) Authorizes a board to conduct an investigation or criminal background check on the applicant.

4) Exempts boards that have established a temporary licensing process prior to January 1, 2014, from the provisions of this bill.

### **Fiscal:**

According to the Assembly Appropriations Committee, if the BreEZe system is fully implemented prior to the completion of the regulations for the new provisional license type, the cost to DCA would be under \$100,000. However, if there are delays in the implementation of BreEZe, one-time costs to DCA would be approximately \$500,000.

### **Comments:**

The intent of this bill is to assist military families who are moving to California from another state by allowing military spouses and domestic partners to begin working in their professional occupations with a temporary license while they work to meet any California licensing requirements. This bill is author-sponsored.

### **Federal efforts to facilitate occupational licensure of military spouses:**

The U.S. Department of Treasury (Treasury Department) and the U.S. Department of Defense (DOD) issued a joint report in 2012 highlighting the impact of state occupational licensing requirements on the careers of military spouses who frequently move across state lines. Released in February 2012, the report, "Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines" revealed that approximately 35% of military spouses work in professions that require state licensure or certification and that military spouses are 10 times more likely to have moved to another state in the last year compared to their civilian counterparts.

### **Professional licensure of military spouses and the effect on military re-enlistment:**

The Treasury Department and DOD report highlighted the employment problems of military spouses and the correlation to a military member's decision to remain active in the military: "More than half of all active duty military personnel are married, and 91% of employed military spouses indicated that they wanted to work and/or needed to work. Research suggests that [spousal] dissatisfaction with the ability to pursue career

objectives may hinder re-enlistment. Not only are military spouses highly influential regarding re-enlistment decisions, but more than two-thirds of married service members reported that their decision to re-enlist was largely or moderately affected by their spouses' career prospects."

The report issued several recommendations, including the authorization of temporary licenses for military spouses if the applicant has met state requirements. That recommendation stated, "Temporary licenses allow applicants to be employed while they fulfill all of the requirements for a permanent license, including examinations or endorsement, applications and additional fees. In developing expedited approaches that save military spouses time and money, DOD does not want to make licensure easier for military spouses to achieve at the expense of degrading their perceived value in their profession."

Temporary licenses are typically issued to applicants seeking permanent licensure within a professional occupation who meet some - but not yet all - of the qualifications for permanent licensure in that state. For example, applicants who hold an active professional license in another state and have passed a national licensing examination may still have educational requirements to meet in order to become licensed in California.

Licensing boards under DCA have been required to expedite the applications of military spouse and domestic partners since January 1, 2013. DCA has indicated that there are few professional boards or bureaus under their jurisdiction that issue temporary licenses, but the precise number is currently unknown. It is also not known how many military spouses or domestic partners have applied for licensure and have been unable to obtain a license in a timely manner.

According to the Assembly Bill Analysis pursuant to the May 24, 2013 amendments, it should be noted that that by requiring boards to issue temporary licenses, as this bill does, the total number of licenses that would need to be processed will increase. Such an increase in workload could delay the processing time for permanent licenses for all other applicants.

### **Existing Law:**

Business and Professions Code §2946, §2912, and California Code of Regulations §1388.6, provide for temporary licensure based on specified conditions.

**Business and Professions Code §2946:** The board shall grant a license to any person who passes the board's supplemental licensing examination and, at the time of application, has been licensed for at least five years by a psychology licensing authority in another state or Canadian province if the requirements for obtaining a certificate or license in that state or province were substantially equivalent to the requirements of this chapter.

***A psychologist certified or licensed in another state or province and who has made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed 180 calendar days from the time of submitting his or her application or from the commencement of residency in this state, whichever first occurs.***

The board at its discretion may waive the examinations, when in the judgment of the board the applicant has already demonstrated competence in areas covered by the examinations. The board at its discretion may waive the examinations for diplomats of the American Board of Professional Psychology.

**Business and Professions Code §2912:** Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

The maximum time after receipt of a completed application for the Board to issue or deny a license is less than 180 days. Therefore under existing law, the spouse or domestic partner of a military service member on active duty who is licensed in another state can, upon application, provide psychological services prior to obtaining a license in California for up to 180 days. Additionally, B&P Code §2912 provides for an additional 30 days practice.

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 186**

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**Introduced by Assembly Member Maienschein**  
**(Principal coauthor: Assembly Member Hagman)**  
**(Coauthors: Assembly Members *Chávez*, *Dahle*, *Donnelly*, *Beth***  
***Gaines*, *Grove*, *Harkey*, *Olsen*, and *Patterson*)**  
**(Coauthors: Senators Fuller and Huff)**

January 28, 2013

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An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. *Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated.* Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic

partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

~~This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license pursuant to the above-described provision. The~~

*This bill would require a board within the department to issue a temporary license to an applicant who qualifies for, and requests, expedited licensure pursuant to the above-described provision if he or she meets specified requirements. The bill would require the temporary license to expire 12 months after issuance, upon issuance of the expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. The bill would authorize a board to conduct an investigation of an applicant for purposes of denying or revoking a temporary license, and would authorize a criminal background check as part of that investigation. The bill would require an applicant seeking a temporary license to submit an application to the board that includes a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, as specified. The bill would also require the application to include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing.*

~~This bill would prohibit a provisional temporary license from being provided to any applicant who has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license at the time the act was committed, or committed. The bill would provide that a violation of the above-described provision may be grounds for the denial or revocation of a temporary license. The bill would further prohibit a temporary license from being provided to any applicant who has been disciplined by a licensing entity in another jurisdiction, or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction. The bill would require the board to approve a provisional license based on an application that includes an affidavit that the information submitted in the application is accurate and that verification documentation from the other jurisdiction has been requested. The bill would require the provisional license to expire after 18 months or at the issuance of the expedited license. The bill would~~

*require an applicant, upon request by a board, to furnish a full set of fingerprints for purposes of conducting a criminal background check.*

~~By creating provisional licenses for which a fee may be collected and deposited into a continuously appropriated fund, this bill would make an appropriation.~~

*Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 115.5 of the Business and Professions  
2 Code is amended to read:

3 115.5. (a) A board within the department shall expedite the  
4 licensure process for an applicant who meets both of the following  
5 requirements:

6 (1) Supplies evidence satisfactory to the board that the applicant  
7 is married to, or in a domestic partnership or other legal union  
8 with, an active duty member of the Armed Forces of the United  
9 States who is assigned to a duty station in this state under official  
10 active duty military orders.

11 (2) Holds a current license in another state, district, or territory  
12 of the United States in the profession or vocation for which he or  
13 she seeks a license from the board.

14 ~~(b) (1) For each applicant who is eligible for an expedited~~  
15 ~~license pursuant to subdivision (a) and meets the requirements in~~  
16 ~~paragraph (2), the board shall provide a provisional license while~~  
17 ~~the board processes the application for licensure. The board shall~~  
18 ~~approve a provisional license based on an application that includes~~  
19 ~~an affidavit that the information submitted in the application is~~  
20 ~~accurate and that verification documentation from the other~~  
21 ~~jurisdiction has been requested. The provisional license shall expire~~  
22 ~~18 months after issuance or upon issuance of the expedited license.~~

23 *(b) (1) A board shall, after appropriate investigation, issue a*  
24 *temporary license to an applicant who is eligible for, and requests,*  
25 *expedited licensure pursuant to subdivision (a) if the applicant*  
26 *meets the requirements described in paragraph (3). The temporary*  
27 *license shall expire 12 months after issuance, upon issuance of*

1 *the expedited license, or upon denial of the application for*  
2 *expedited licensure by the board, whichever occurs first.*

3 (2) *The board may conduct an investigation of an applicant for*  
4 *purposes of denying or revoking a temporary license issued*  
5 *pursuant to this subdivision. This investigation may include a*  
6 *criminal background check.*

7 (3) (A) *An applicant seeking a temporary license issued*  
8 *pursuant to this subdivision shall submit an application to the*  
9 *board which shall include a signed affidavit attesting to the fact*  
10 *that he or she meets all of the requirements for the temporary*  
11 *license and that the information submitted in the application is*  
12 *accurate, to the best of his or her knowledge. The application shall*  
13 *also include written verification from the applicant's original*  
14 *licensing jurisdiction stating that the applicant's license is in good*  
15 *standing in that jurisdiction.*

16 ~~(2) (A)~~

17 (B) *The applicant shall not have committed an act in any*  
18 *jurisdiction that would have constituted grounds for denial,*  
19 *suspension, or revocation of the license under this code at the time*  
20 *the act was committed. A violation of this subparagraph may be*  
21 *grounds for the denial or revocation of a temporary license issued*  
22 *by the board.*

23 ~~(B)~~

24 (C) *The applicant shall not have been disciplined by a licensing*  
25 *entity in another jurisdiction and shall not be the subject of an*  
26 *unresolved complaint, review procedure, or disciplinary proceeding*  
27 *conducted by a licensing entity in another jurisdiction.*

28 (D) *The applicant shall, upon request by a board, furnish a full*  
29 *set of fingerprints for purposes of conducting a criminal*  
30 *background check.*

31 (c) *A board may adopt regulations necessary to administer this*  
32 *section.*