



## MEMORANDUM

<b>DATE</b>	June 13, 2014
<b>TO</b>	Psychology Board Members
<b>FROM</b>	 Jonathan Burke Administrative Services Coordinator
<b>SUBJECT</b>	<b>AB 186 (Maienschein): Temporary Licenses</b>

### **Background:**

Please see attached analysis for detail on this proposed legislation.

### **Action Requested:**

Motion: Staff recommends the Board make a motion to oppose AB 186.

**Attachment A** is the staff analysis of AB 186.

**Attachment B** shows the current language proposed in AB 186.

# CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

## BILL ANALYSIS

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**BILL NUMBER:** AB 186                      **VERSION:** AMENDED MAY 29, 2014

**AUTHOR:** MAIENSCHIN                      **SPONSOR:** AUTHOR

**RECOMMENDED POSITION:** OPPOSE

**SUBJECT:** MILITARY SPOUSES: TEMPORARY LICENSES

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### **Summary**

This bill would require a board within the Department of Consumer Affairs (DCA) to issue a temporary license to a spouse of a military member who is already eligible for an expedited license.

### **Existing Law:**

- 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)(1))
- 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)(2))

### **This Bill:**

- 1) Requires a Board within DCA to issue a temporary license to an applicant who is eligible for, and requests, an expedited license. Such an applicant must be married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, and must hold a current license in the same profession in another state. (BPC §§115.5(c)(1) 115.6(c) (2))
- 2) Allows the Board to conduct an investigation of the applicant, including a criminal background check, before issuing the temporary license. (BPC §115.6(b))
- 3) Allows the Board to request the applicant provide a full set of fingerprints in order to conduct the criminal background check. (BPC § 115.6(c)(6))
- 4) Before receiving the temporary license, the applicant must provide the following with the application:
  - A signed affidavit that he or she meets all of the temporary license requirements, and that the information in the application is accurate. (BPC §115.6(c)(3))
  - A written verification from his or her original licensing jurisdiction stating that the license is in good standing. (BPC §115.6(c)(3))

- 5) States that the temporary license expires after 12 months, upon issuance of the expedited license, or upon denial of the expedited license, whichever occurs first. (BPC §115.6(a))
- 6) Requires the applicant must not have committed any act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license. Violation of this requirement is grounds for denial or revocation of the temporary license. (BPC §115.6(c)(4))
- 7) States the applicant must not have been disciplined by a licensing entity in another jurisdiction and must not be the subject of an unresolved complaint, review, or disciplinary proceeding of a licensing entity. (BPC §115.6(c)(5))
- 8) Allows the Board to adopt regulations to administer the provisional license program. (BPC §115.6(d))

**Comments:**

- 1) **Current Board Process.** The Board does not currently have a temporary license status. An applicant who has an out-of-state license can submit an application for examination eligibility. The Board evaluates the application to ensure the applicant meets the Board's education and experience requirements. If the Board determines that they meet all of the requirements, the Board will deem the applicant eligible to take the required examinations. Upon passage of the Board-required examinations, the Board will issue a license.

AB 1904 (Chapter 399, Statutes of 2012) became law on January 1, 2012, and 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.

An applicant who is licensed in another state can use his or her out-of-state license for a period of 180 days (BPC 2946). If the applicant has been licensed for more than 5 years they may take the CPLEE and upon passing, become fully licensed in California. If he or she has been licensed for less than 5 years they must take the CPSE. Staff is of the opinion that 180 days to take and pass the required California specific examination(s) is sufficient.

- 2) **Continuity of Care.** This bill creates a temporary license that is valid for a 12-month period, or until the expedited license is issued or denied, whichever occurs first. If the Board finds that the temporary licensee does not qualify for licensure, then the provisional license expires. In addition, if the applicant has not passed the required Board licensing exam(s) during the 12-month period, then the temporary license would expire. If this happened, the applicant would no longer be able to see his or her patients. A consumer who seeks mental health services often seeks treatment for an extended period. Having a practitioner whose temporary license expires suddenly could disrupt the continuity of care for patients.

- 3) **Staffing and Breeze Concerns.** The Board does not currently have a provisional license status. It is unclear how quickly the department could create one, as boards under DCA are transitioning to the new Breeze database system.

Adding a new license type would increase staff workload, and therefore would likely create a need for new staff.

- 4) **Author's Intent.** The intent of this bill is to allow a military spouses to be issued a temporary license upon application, so that he or she may immediately seek employment upon relocation to California due to the other spouse's active duty military orders. Currently, if the

spouse is in a profession that has a state licensing requirement, he or she must wait to seek employment until a state license is received.

The author notes that according to recent study by the California Research Bureau, this state has approximately 72,000 military spouses living here at any given time, and approximately 1/3 of this population is in a profession that has a licensing requirement. This population typically has a high unemployment rate, because while military families can receive orders to move as often as every two years, state licensing processes can take several months.

This bill is part of a larger federal effort to improve the lives of military families. In February 2012, the U.S. Treasury and the U.S. Department of Defense issued a report titled "Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines." This report noted that approximately 35 percent of military spouses work in professions that require state licensure or certification, and recommended the use of temporary licenses to be used to accommodate qualified military spouses while they work toward a permanent license.

**5) Recommended Position.** Oppose

The Board already accommodates military spouses and those in domestic partnerships through the expediting of their applications and a generous 180-day period to pass the necessary examination(s). Additionally, according to the Senate Business, Professions, and Economic Development Committee, "this bill may be premature as there has not been adequate time to study the results of the new expedited licensure requirements that went into effect on January 1, 2013."

**6) Support and Opposition.**

**Support:**

American Legion- Department of California  
AMVETS- Department of California  
Brigadier General Vincent A. Coglianese  
California Architects Board  
California Association for Health Services at Home  
California State Commanders Veterans Council  
Commander, Navy Region Southwest  
National Military Family Association  
San Diego Military Advisory Council  
United States Department of Defense  
VFW- Department of California  
Vietnam Veterans of America- California State Council

Support if Amended:

Board of Behavioral Sciences  
California Board of Accountancy  
Medical Board of California

Oppose Unless Amended:

American Association for Marriage and Family Therapy- California Division

Board for Professional Engineers, Land Surveyors, and Geologists  
California Architects Board

Oppose:

Board of Chiropractic Examiners  
Contractors State License Board

**7) History**

**2014**

May 29 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on B., P. & E.D.

**2013**

Jul. 01 In committee: Set, first hearing. Testimony taken. Further hearing to be set.  
Jun. 24 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on B., P. & E.D.  
Jun. 24 Referred to Com. on B., P. & E.D.  
May 29 In Senate. Read first time. To Com. on RLS. for assignment.  
May 29 Read third time. Passed. Ordered to the Senate. (Ayes 75. Noes 1. Page 1734.)  
May 28 Read second time. Ordered to third reading.  
May 24 Read second time and amended. Ordered to second reading.  
May 24 From committee: Do pass as amended. (Ayes 17. Noes 0.) (May 24).  
May 15 In committee: Set, first hearing. Referred to APPR. suspense file.  
Apr. 30 From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (April 30). Re-referred to Com. on APPR.  
Apr. 23 Re-referred to Com. on B.,P. & C.P. In committee: Set, first hearing. Hearing canceled at the request of author.  
Apr. 22 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.  
Apr. 2 Re-referred to Com. on B.,P. & C.P.  
Apr. 1 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.  
Feb. 7 Referred to Com. on B.,P. & C.P.  
Jan. 29 From printer. May be heard in committee February 28.  
Jan. 28 Read first time. To print.

AMENDED IN SENATE MAY 29, 2014

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 186**

**Introduced by Assembly Member Maienschein**

**(Principal coauthor: Assembly Member Hagman)**

**(Coauthors: Assembly Members Chávez, Dahle, Donnelly,  
Beth Gaines, Garcia, Grove, Harkey, Olsen, Patterson, and  
V. Manuel Pérez)**

(Coauthors: Senators Fuller and Huff)

January 28, 2013

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An act to add Section 115.6 to 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, in addition to the expedited licensure provisions described above, establish a temporary licensure process for an applicant who holds a current license in another jurisdiction, as specified, 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. The bill would require ~~the~~ a temporary license to expire 12 months after issuance, upon issuance of ~~the~~ an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

~~This 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. 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, upon request by a board, to furnish a full set of fingerprints for purposes of conducting the criminal background check.~~

~~This bill would prohibit a 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. 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.

~~This bill would authorize the immediate termination of any temporary license to practice medicine upon a finding that the temporary licenseholder failed to meet any of the requirements described above or provided substantively inaccurate information that would affect his or her eligibility for temporary licensure. The bill would, upon termination of the license, require the board to issue a notice of termination requiring the temporary licenseholder to immediately cease the practice of medicine upon receipt.~~

*This bill would require an applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist to successfully pass the appropriate California specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The bill would also authorize a board to require an applicant to successfully pass an examination in jurisprudence or California law and ethics for the issuance of a temporary license if successfully passing the examination is a requirement for all applicants for full licensure.*

~~This bill would exclude from these provisions the California Architects Board, the State Board of Chiropractic Examiners, or a board that has established a temporary licensing process before January 1, 2014 2014, from these provisions.~~

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 115.6 is added to the Business and
- 2 Professions Code, to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue a temporary license to an applicant
- 5 if he or she meets the requirements set forth in subdivision (c).
- 6 The temporary license shall expire 12 months after issuance, upon
- 7 issuance of an expedited license pursuant to Section 115.5, or upon



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

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

7 (c) An applicant seeking a temporary license pursuant to this  
8 section shall meet the following requirements:

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

14 (2) The applicant shall hold a current license in another state,  
15 district, or territory of the United States in the profession or  
16 vocation for which he or she seeks a temporary license from the  
17 board.

18 (3) The applicant shall submit an application to the board that  
19 shall include a signed affidavit attesting to the fact that he or she  
20 meets all of the requirements for the temporary license and that  
21 the information submitted in the application is accurate, to the best  
22 of his or her knowledge. The application shall also include written  
23 verification from the applicant's original licensing jurisdiction  
24 stating that the applicant's license is in good standing in that  
25 jurisdiction.

26 (4) The applicant shall not have committed an act in any  
27 jurisdiction that would have constituted grounds for denial,  
28 suspension, or revocation of the license under this code at the time  
29 the act was committed. A violation of this paragraph may be  
30 grounds for the denial or revocation of a temporary license issued  
31 by the board.

32 (5) The applicant shall not have been disciplined by a licensing  
33 entity in another jurisdiction and shall not be the subject of an  
34 unresolved complaint, review procedure, or disciplinary proceeding  
35 conducted by a licensing entity in another jurisdiction.

36 (6) The applicant shall, upon request by a board, furnish a full  
37 set of fingerprints for purposes of conducting a criminal  
38 background check.

39 (d) A board may adopt regulations necessary to administer this  
40 section.

1 (e) A temporary license issued pursuant to this section for the  
2 practice of medicine may be immediately terminated upon a finding  
3 that the temporary licenseholder failed to meet any of the  
4 requirements described in subdivision (c) or provided substantively  
5 inaccurate information that would affect his or her eligibility for  
6 temporary licensure. Upon termination of the temporary license,  
7 the board shall issue a notice of termination that shall require the  
8 temporary licenseholder to immediately cease the practice of  
9 medicine upon receipt.

10 (f) *An applicant seeking a temporary license as a civil engineer,*  
11 *geotechnical engineer, structural engineer, land surveyor,*  
12 *professional geologist, professional geophysicist, certified*  
13 *engineering geologist, or certified hydrogeologist pursuant to this*  
14 *section shall successfully pass the appropriate California specific*  
15 *examination or examinations required for licensure in those*  
16 *respective professions by the Board for Professional Engineers,*  
17 *Land Surveyors, and Geologists.*

18 (g) *A board within the department may require an applicant to*  
19 *successfully pass an examination in jurisprudence or California*  
20 *law and ethics for the issuance of a temporary license pursuant*  
21 *to this section if successfully passing the examination is a*  
22 *requirement for all applicants for full licensure.*

23 (h) *This section shall not apply to the California Architects*  
24 *Board or the State Board of Chiropractic Examiners.*

25 (f)

26 (i) This section shall not apply to a board that ~~has~~ established  
27 a temporary licensing process before January 1, 2014.

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