



## MEMORANDUM

<b>DATE</b>	August 7, 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:**

The Board has an oppose position on this bill.

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

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

**Attachment C** is the letter of opposition for AB 186.

# CALIFORNIA STATE BOARD OF PSYCHOLOGY

## BILL ANALYSIS

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**BILL NUMBER:** AB 186                      **VERSION:** AMENDED JUNE 25, 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) **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.

- 3) **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.

#### **4) 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."

#### **5) 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

##### 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  
Board of Psychology  
Board of Behavioral Sciences  
Contractors State License Board

#### **6) History**

##### **2014**

Jul. 01 Read second time. Ordered to third reading.

Jun. 30 From committee: Do pass. (Ayes 5. Noes 0.) (June 30).  
 Jun. 25 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.  
 Jun. 17 From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 16). Re-referred to Com. on APPR.  
 Jun. 05 In committee: Hearing postponed by committee.  
 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 JUNE 25, 2014

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, Gorell, 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~~ *current, active, and unrestricted* 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 a temporary license to expire 12 months after issuance, upon issuance of 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 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 the California Architects Board, *the Landscape Architects Technical Committee, the Contractors' State License Board, the State Board of Chiropractic Examiners,* ~~or~~ and a board that established a temporary licensing process before January 1, 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  
8 denial of the application for expedited licensure by the board,  
9 whichever occurs first.  
10 (b) The board may conduct an investigation of an applicant for  
11 purposes of denying or revoking a temporary license issued  
12 pursuant to this section. This investigation may include a criminal  
13 background check.  
14 (c) An applicant seeking a temporary license pursuant to this  
15 section shall meet the following requirements:  
16 (1) The applicant shall supply evidence satisfactory to the board  
17 that the applicant is married to, or in a domestic partnership or  
18 other legal union with, an active duty member of the Armed Forces  
19 of the United States who is assigned to a duty station in this state  
20 under official active duty military orders.  
21 (2) The applicant shall hold a ~~current~~ license *current, active,*  
22 *and unrestricted license that confers upon him or her the authority*  
23 *to practice*, in another state, district, or territory of the United  
24 ~~States in States~~, the profession or vocation for which he or she  
25 seeks a temporary license from the board.  
26 (3) The applicant shall submit an application to the board that  
27 shall include a signed affidavit attesting to the fact that he or she  
28 meets all of the requirements for the temporary license and that  
29 the information submitted in the application is accurate, to the best  
30 of his or her knowledge. The application shall also include written  
31 verification from the applicant's original licensing jurisdiction  
32 stating that the applicant's license is in good standing in that  
33 jurisdiction.  
34 (4) The applicant shall not have committed an act in any  
35 jurisdiction that would have constituted grounds for denial,



1 suspension, or revocation of the license under this code at the time  
2 the act was committed. A violation of this paragraph may be  
3 grounds for the denial or revocation of a temporary license issued  
4 by the board.

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

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

12 (d) A board may adopt regulations necessary to administer this  
13 section.

14 (e) A temporary license issued pursuant to this section for the  
15 practice of medicine may be immediately terminated upon a finding  
16 that the temporary licenseholder failed to meet any of the  
17 requirements described in subdivision (c) or provided substantively  
18 inaccurate information that would affect his or her eligibility for  
19 temporary licensure. Upon termination of the temporary license,  
20 the board shall issue a notice of termination that shall require the  
21 temporary licenseholder to immediately cease the practice of  
22 medicine upon receipt.

23 (f) An applicant seeking a temporary license as a civil engineer,  
24 geotechnical engineer, structural engineer, land surveyor,  
25 professional geologist, professional geophysicist, certified  
26 engineering geologist, or certified hydrogeologist pursuant to this  
27 section shall successfully pass the appropriate California-specific  
28 examination or examinations required for licensure in those  
29 respective professions by the Board for Professional Engineers,  
30 Land Surveyors, and Geologists.

31 (g) A board within the department may require an applicant to  
32 successfully pass an examination in jurisprudence or California  
33 law and ethics for the issuance of a temporary license pursuant to  
34 this section if successfully passing the examination is a requirement  
35 for all applicants for full licensure.

36 (h) This section shall not apply to the California Architects  
37 ~~Board~~ Board, the Landscape Architects Technical Committee, the  
38 Contractors' State License Board, or the State Board of  
39 Chiropractic Examiners.

- 1 (i) This section shall not apply to a board that established a
- 2 temporary licensing process before January 1, 2014.

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**Board of Psychology**

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June 18, 2014

The Honorable Kevin de León  
Chair, Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

RE: AB 186 – **Oppose**

Dear Senator de Leon:

At its June 17, 2014 meeting, the Board of Psychology (Board) took an **oppose** position on AB 186 (Maienschein).

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.

The Board is committed to helping military families overcome any obstacles that they may face during the licensing process. However, the Board already accommodates military spouses and those in domestic partnerships in the following ways;

- Through the expediting of their applications
- A 180-day period to pass the necessary examination(s) during which time the applicant can practice psychology.

The Board is of the opinion that creating an entirely new temporary license category for the spouses and domestic partners of military personnel is unnecessary because of the mechanisms that are currently in place.

If you would like to discuss the Board's position, please feel free to contact the Board's Administrative Coordinator, Jonathan Burke, at (916) 574-7137.

Sincerely,

A handwritten signature in black ink, appearing to read "M Erickson".

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

cc: Senator Mimi Walters (Vice Chair)  
Senator Ted Gaines

Senator Jerry Hill

Senator Ricardo Lara

Senator Alex Padilla

Senator Darrell Steinberg

Assembly Member Brian Maienschein

Board Members

Tracy Rhine, Deputy Director, Legislative and Policy Review, Department of Consumer Affairs