


MEMORANDUM

DATE	March 30, 2016
TO	Policy and Advocacy Committee
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #5 (a)(8) – Legislative Update – AB 2859 (Low) Professions and Vocations; Retired Category; Licenses

Background:

This Bill authorizes any of the boards, bureaus, commissions, or programs under the Department of Consumer Affairs 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.

Location: Assembly Business and Professions Committee

Status: To Assembly Committee on Business and Professions.

Hearing: 04/12/2016 9:30 am, State Capitol, Room 4202

Action Requested:

As the Board of Psychology has put forth legislation for a retired license category that meets all of our specific needs, the staff recommendation is to "Watch" AB 2859.

Attachment A is the analysis of AB 2859 (Low)
Attachment B is the language of AB 2859 (Low)

CALIFORNIA STATE BOARD OF PSYCHOLOGY

BILL ANALYSIS

BILL NUMBER: AB 2859

VERSION: INTRODUCED: 02/19/2016

AUTHOR: LOW (D)

SPONSOR: AUTHOR

BOARD POSITION: NONE

SUBJECT: PROFESSIONS AND VOCATIONS: RETIRED CATEGORY: LICENSES

Overview:

This bill would allow all Boards Bureaus, Commissions, and programs under the Department of Consumer Affairs (DCA) to establish a retired license category in regulations.

Existing Law:

Allows for the licensure and regulation of various boards, bureaus, commissions, and programs housed under DCA. Currently, the general Business and Professions Code allows those under DCA to establish an "inactive" license category for licensees not active in their profession. Under existing law, "inactive" can be elected or force-placed for many different reasons (some negative), and does not properly reflect the true status of a license. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. To date, only 13 entities under DCA have a retired license category.

This Bill:

Would allow all Boards, Bureaus, Commissions, and programs under DCA to establish by regulation a system for a retired license category which must contain the following:

- Mandate the holder of the retired license not engage in any activity for which a license is required (unless specified in regulation by the Board)
- Specify that the holder of the retired license not be required to renew the license
- Specify that in order for a licensee to obtain a retired license, the following must be met:
 - Pay a fee
 - Certify that no crime has been committed that would constitute grounds for denial of the license
 - Comply with fingerprint submission requirements
 - Comply with any continuing education requirements
 - Complete any other requirements as specified by the Board in regulation.

Comments:

Author's Intent.

The author is intending to provide holders of a license a retired category rather than combining those that have retired from their respective field, with those that may have potentially been force-placed into "inactive" and are therefore forced to either renew every two years, or allow the license to cancel.

1) Impacts to the Board

The language as written fails to specify a few areas that may be of concern to the Board. The language does not allow a fee to be imposed for licensees wishing to enter into the retired license category. The language also does not give each respective entity under DCA the ability to qualify someone for a retired license. For example, as written, the Board could not deny a retired license application if a licensee had an enforcement case opened against them.

2) Support and Opposition

None on file

3) History

03/14/16 Referred to Com. on B. & P.

02/22/16 Read first time.

02/21/16 From printer. May be heard in committee March 22.

02/19/16 Introduced. To print.



AB-2859 Professions and vocations: retired category: licenses. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 2859

Introduced by Assembly Member Low

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2859, as introduced, Low. Professions and vocations: 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 statute or regulation.

(B) 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.