

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 1386 **VERSION:** INTRODUCED FEBRUARY 19, 2021

AUTHOR: CUNNINGHAM **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: LICENSE FEES: MILITARY PARTNERS AND SPOUSES

Summary

This bill would require licensing boards within the Department of Consumer Affairs (DCA) to grant fee waivers for the initial or original license fee for a person who holds a current license in the same profession in another state and is married to or in a domestic partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California.

Existing Law:

- 1) Allows a licensee or registrant of any board, commission, or bureau within DCA to reinstate their license without examination or penalty if the license expired while they were on active duty with the California National Guard or the United States Armed Forces, if certain conditions are met. (Business and Professions Code (BPC) §114)
- 2) Requires boards under DCA to waive continuing education requirements and renewal fees for a licensee or registrant while they are called to active duty as a military member if they held a current and valid license or registration upon being called to active duty and substantiate the active duty service. (Business and Professions Code (BPC) §114.3)
- 3) Requires every board under DCA to ask on all licensure applications if the individual serves, or has previously served, in the military. (BPC §114.5)
- 4) Requires Boards under DCA to expedite the licensure process for applicants who are honorably discharged from the military, or who are spouses of active military members and who are already licensed in the same profession in another state. (BPC §§115.4, 115.5)

This Bill:

- 1) Requires licensing boards within DCA to grant fee waivers for the initial or original license fee for a person who meets the following criteria (BPC §115.5):

- a) Is married to or in a domestic partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California; and
- b) Holds a current license for the same profession in another state or territory.

Comments:

- 1) **Author's Intent.** The author's office states that military families move significantly more often than their civilian counterparts – on average every 2 to 3 years. Having to constantly relocate can have lasting effects on their earnings, and therefore they are seeking to ease some of the burden placed on military families who move frequently.
- 2) **Fees Waived.** This bill requires a fee waiver for the initial issuance of a license. BBS applicants also typically have to pay a registration application fee, registration renewal fees, and an application for licensure fee (which determines eligibility to take the clinical exam). These fees do not appear to be waived under this bill, however, there is some question of what the term "original license fee", as referenced in the bill, means. Additionally, the additional above listed fees may not apply to someone who is licensed in the same profession in another state if they have held that license for at least two years, and otherwise qualify under the Board's licensure by credential pathway.
- 3) **Fiscal Impact.** This bill waives the Board's initial license issuance fees for spouses of military members with a current equivalent license in another state.

The fee that the Board charges for initial license issuance is \$200, regardless of license type.

The past yearly breakdown of the number of military spouses who met the criteria for their license to be expedited is shown below:

2016 - 11
2017 - 21
2018 - 20
2019 - 18
2020 - 20

Assuming that all of these ultimately met the Board's licensure requirements and went on to become licensed, this is an average of approximately 18 military spouses needing an initial license waiver per year.

Therefore, the annual cost to the Board is estimated to be: \$200 initial license issuance fee x 18 initial license fee waivers per year = \$3,600 per year.

4) Previous Legislation.

AB 3045 (Gray, 2020) would have required certain DCA boards to issue a license to an honorably discharged military member or the spouse of an active duty military

member if they meet specified requirements. The Board took an “oppose unless amended” position on AB 3045, due to concerns that it would undermine careful work it had just completed with the passage SB 649, which had crafted a fair process to reduce barriers for all out-of-state applicants for licensure while balancing with the need to ensure practitioners are prepared to practice therapy in California’s unique environment. AB 3045 died in the Senate.

AB 703 (Flora, 2017) would have required licensing boards to grant fee waivers for the application for and issuance of an initial license to a person who holds a current license in the same profession in another state and is married to or in a domestic partnership with an active duty member of the U.S. military. The Board did not take a position on this bill. AB 703 died in the Assembly Business and Professions Committee.

SB 27 (Morrell, 2017) would have required licensing boards to grant fee waivers for the application for and issuance of a license to persons who are honorably discharged veterans. The Board had a “support” position on this bill. SB 27 died in the Senate Appropriations Committee.

SB 1155 (Morrell, 2016) would have required licensing boards to grant fee waivers for the application for and issuance of a license to persons who are honorably discharged veterans. The Board had decided not to take a position on this bill. SB 1155 died in the Assembly Appropriations Committee.

AB 1057 (Medina, Chapter 693, Statutes of 2013), requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military. The Board had a “support” position on this bill.

5) Related Legislation. The following related bills are being proposed this year:

AB 107 (Salas) would require all boards within the Department of Consumer Affairs (DCA) to issue a temporary license to a military spouse if they meet specified requirements.

AB 1026 (Smith) would require DCA boards to grant a 50-percent fee reduction for an initial license to an applicant who provides satisfactory evidence the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged.

6) Support and Opposition.

Support:

- None at this time.

Opposition:

- None at this time.

7) History

2021

03/11/21 Referred to Com. on B. & P.

02/22/21 Read first time.

02/20/21 From printer. May be heard in committee March 22.

02/19/21 Introduced. To print.

Introduced by Assembly Member Cunningham

February 19, 2021

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

legislative counsel's digest

AB 1386, as introduced, Cunningham. License fees: military partners and spouses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are 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 this state under official active duty military orders.

This bill would prohibit a board from charging an initial or original license fee to an applicant who meets these expedited licensing requirements.

Vote: majority. Appropriation: no. 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:

1 115.5. (a) A board within the department shall expedite the
2 licensure process for an applicant who meets both of the following
3 requirements:
4 (1) Supplies evidence satisfactory to the board that the applicant
5 is married to, or in a domestic partnership or other legal union
6 with, an active duty member of the Armed Forces of the United
7 States who is assigned to a duty station in this state under official
8 active duty military orders.
9 (2) Holds a current license in another state, district, or territory
10 of the United States in the profession or vocation for which the
11 applicant seeks a license from the board.
12 *(b) A board shall not charge an applicant who meets the*
13 *requirements in subdivision (a) an initial or original license fee.*
14 ~~(b)~~
15 *(c) A board may adopt regulations necessary to administer this*
16 *section.*

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