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BOARD MEETING NOTICE June 26, 2014

10:00 a.m.

Department of Consumer Affairs
HQ2 Hearing Room
1747 North Market Blvd.
Sacramento, CA 95834

The Board of Behavioral Sciences will also meet via teleconference at the following locations:

6767 Green Valley Road
Placerville, CA 95667

68-1400 Mauna Lani Drive
Kohala Coast, Hawaii 96743

2400 Moorpark Avenue #300
San Jose, CA 95128

5506 Ranchito Avenue
Sherman Oaks, CA 91401

4801 Airport Plaza Drive
8th Floor, IAO-826W Conference Room
Long Beach, CA 90815

30622 Via Pared
Thousand Palms, CA 92276

- I. Introductions*
- II. Discussion and Possible Rulemaking Action Regarding Proposed Revisions to California Code of Regulations, Title 16, Division 18, Article 8 Board of Behavioral Sciences Continuing Education Requirements
- III. Discussion and Possible Action Regarding Assembly Bill 186 (Maienschein) - Professions and Vocations: Military Spouses: Temporary Licenses
- IV. Suggestions for Future Agenda Items
- V. Public Comment for Items not on the Agenda
- VI. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This Agenda as well as Board Meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: *The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*



Governor
Edmund G. Brown Jr

State of California

Business, Consumer Services
and Housing Agency

Department of
Consumer Affairs

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To: Board Members

Date: June 16, 2014

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Continuing Education Regulations

Background

In 2012 and 2013, the Board underwent an extensive committee process to revise its regulations related to continuing education (CE).

The resulting proposed regulations remove the Board's authority to directly approve and license CE providers. Instead, the Board proposes recognizing "approval agencies" that have already established stringent requirements for CE providers. The Board also proposes recognizing a limited number of entities as CE providers, allowing these named entities to offer CE courses directly to Board licensees without approval from an approval agency.

History

At its meeting on August 22, 2013, the Board approved the latest version of the CE regulations. The regulations were then noticed with OAL, and underwent a 45 day public comment period.

In its final review, OAL requested several changes to the proposed language. Attachment A shows the proposed changes in red underline and strikeout.

If the Board approves the proposed changes, the language will undergo a 15 day public comment period. Any comments received will be considered, and then the language will be re-submitted to OAL for final approval.

Proposed Regulatory Changes

The additional changes needing Board approval are as follows:

1. **Continuing Education Course Content Language.** OAL had concerns that language in Section 1887.4.0(b)(2) stating that course content shall be "supported using established research procedures and scientific scrutiny" was not specific enough, and difficult to quantify.

After consultation with DCA Legal and OAL, this subsection was replaced with language that CE courses must "be supported using research practices and procedures which are generally accepted in mental health research and which have been subjected to external peer review".

Due to this change in subsection (b)(2), subsection 1887.4.0(d) has been deleted. This subsection had stated that “courses shall not predominately reflect the commercial views of the provider or any other person giving financial assistance to the provider.”

OAL was concerned that the term “commercial views” was subjective and unclear. It is believed that the changes to subsection (b)(2) now provide sufficient protection against courses that are not scientifically accepted.

2. **Records of Course Completion.** Section 1887.11.0 discusses the types of information a CE provider must include on a record of course completion. OAL requested that subsection (d) be amended, because of concerns that the use of the term “provider identification” was unclear, and because it believed requiring the name of a board-recognized provider was redundant with subsection (c).

Subsection (d) was amended to state that the provider must include the board-recognized approval agency name, or a statement that the provider is one of the entities recognized by the board to provide continuing education pursuant to Section 1887.4.3.

3. **Adjustment of Phase-Out Period and Implementation Dates.** A phase out period is needed for the Board’s existing continuing education approval system.

Staff had originally proposed a six month delayed implementation of the new regulations. Under this delayed implementation, the new CE approval system would go into effect six months from the OAL-designated effective date of the new regulations. The Board would cease CE provider renewals on January 1, 2015.

Due to the delay of the regulation package to make the changes requested by OAL, staff decided to change the implementation dates to allow the Board more time to do outreach, and to allow providers more time to seek approval from recognized approval entities. The new timelines are as follows:

- **January 1, 2015** – The Board begins accepting documentation from entities wishing to become a Board-recognized approval agency. At this time, the Board also ceases accepting applications for new Board-approved CE provider numbers.
- **July 1, 2015** – Language implementing the Board’s existing CE approval program sunsets. Board approved CE providers will no longer be renewed. Language has also been added to ensure that those CE providers expiring after July 1, 2015 cannot be renewed early to avoid this deadline. All Board-approved CE providers with a number that expires after July 1, 2015 may continue providing CE coursework until the provider number expires.

4. **Miscellaneous Technical Changes.** OAL requested a number of minor, technical, or nonsubstantive changes to the language in the regulatory proposal. These changes were as follows:

- Minor technical, nonsubstantive changes to titles, text, and authority and reference footnotes.
- Re-numbering of certain sections to either ensure numbering is correct for continuity, or to ensure that a section remains distinct when a new section is phasing in.
- Insertion of a proper citation for the Americans with Disabilities Act.
- Elimination of Section 1887.5 from the regulation proposal. The regulation package makes no changes to this section, and therefore it does not need to be included. This section will remain a part of the Board’s regulations.

Recommendation

Conduct an open discussion about the additional proposed changes. Direct staff to make any discussed changes, and any non-substantive changes, and to continue pursuing this regulatory proposal by conducting a 15 day public comment period, and resubmitting the regulatory proposal to OAL.

Attachments

Attachment A: Proposed regulatory amendments

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Board of Behavioral Sciences

Order of Adoption

The Board of Behavioral Sciences of the Department of Consumer Affairs hereby amends and adopts regulations in Division 18 of Title 16 of the California Code of Regulations, as follows:

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1887. DEFINITIONS:

INOPERATIVE ~~(OAL to insert date—date is 6 months after effective date of these regulations) July 1, 2015~~

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.
- (b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).
- (c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.
- (d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.
- (e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4999.76 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

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As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location ~~which that~~ has been verified and approved by the continuing education provider.
- (b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- (c) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.
- (d) A "renewal period" means the two-year period ~~which that~~ spans from the effective date of the license to the expiration date.
- (e) An "approval agency" means an organization recognized by the board ~~which that~~ evaluates and approves providers of continuing education, ensures courses offered by its providers meet the continuing education requirements of the board, and monitors the quality of each approved continuing education course.

Note: Authority ~~C~~cited: Sections 4980.60, 4989.34, ~~4999.76~~ 4990.20 and ~~4999.20~~4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.1. LICENSE RENEWAL REQUIREMENTS

- (a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.
- (b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.
- (c) ~~Licensed educational psychologists shall be subject to the license renewal requirements of this section as specified:~~
 - ~~(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed eighteen (18) hours of continuing education.~~

~~(2) On and after January 1, 2013 licensees shall meet all of the requirements of subdivisions (a) and (b).~~

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.90, Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS₁

INOPERATIVE (OAL to insert date — date is 6 months after effective date of these regulations) July 1, 2015

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.
- ~~(b) A licensed educational psychologist that renews his or her license beginning January 1, 2012 and through December 31, 2012 shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal.~~
- ~~(c)~~ (b) A licensee is exempt ~~form~~from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- ~~(d)~~ (c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception – Licensee Application,” Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:
- (A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to his or her military service;
- (B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental

disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority ~~C~~ited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; ~~and~~ Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 ~~and~~ 4999.76, Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS:

OPERATIVE ~~(OAL to insert date – date is 6 months after effective date of these regulations) July 1, 2015~~

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.
- (b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception – Licensee Application," Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The ~~B~~board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
- (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to his or her military service;
- (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority ~~C~~ited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code;

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS:

INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations) July 1, 2015

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.
- (b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the ~~adoption~~effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the ~~adoption~~effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the ~~adoption~~effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the ~~adoption~~effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license ~~on and after January 1, 2004~~ shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) Provisions of this section shall apply to licensed educational psychologists as follows:
- (1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen ~~—~~(18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).
 - (2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority ~~C~~^Ecited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS:

OPERATIVE ~~(OAL to insert date—date is 6 months after effective date of these regulations) July 1, 2015~~

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4.0.
- (b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) A licensee who attends the board enforcement case review training may be awarded up to six hours of continuing education in the renewal cycle in which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (i) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six hours of continuing education in the renewal cycle in which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (j) A licensee who participates in a board examination development workshop may be awarded six hours of continuing education in the renewal cycle in which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (k) A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six hours of continuing education in the renewal cycle in which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.

Note: Authority ~~C~~cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.

- (1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).
 - (2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).
- (b) A provider shall ensure that a course has specific objectives that are measurable.
- (c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, ~~4996.22~~, 4989.34, ~~4996.22~~ and 4999.76, Business and Professions Code.

§1887.4.0. CONTINUING EDUCATION COURSE CONTENT;

OPERATIVE ~~(OAL to insert date—date is 6 months after effective date of these regulations)~~ July 1, 2015

- (a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.
- (b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and:
- (1) ~~D~~demonstrate credibility through the involvement of the broader mental health practices, education, and science communities in studying or applying the findings, procedures, practices or theoretical concepts; or
 - ~~(2) Has been supported using established research procedures and scientific scrutiny; or~~
 - (2) be supported using research practices and procedures which are generally accepted in mental health research and which have been subjected to external peer review; or
 - (3) ~~is~~be related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.
- (c) Each continuing education course shall have:
- (1) written educational goals and specific learning objectives ~~which~~that are measurable and ~~which~~serve as a basis for an evaluation of the effectiveness of the course;
 - (2) an evaluation mechanism that allows each participant to evaluate the continuing education course;
 - (3) a syllabus ~~which~~that provides a general outline of the course~~-. The syllabus~~which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and

- (4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.

~~(d) Courses shall not predominantly reflect the commercial views of the provider or any person giving financial assistance to the provider.~~

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, ~~4996.22~~, 4989.34, ~~4996.22~~ and 4999.76, Business and Professions Code.

1887.4.1. BOARD-RECOGNIZED APPROVAL AGENCIES:

OPERATIVE ~~(OAL to insert date—date is 6 months after effective date of these regulations) July 1, 2015~~

(a) The following are Bboard-recognized approval agencies:

- (1) National Association of Social Workers (NASW)
- (2) Association of Social Work Boards (ASWB)
- (3) National Board of Certified Counselors (NBCC)
- (4) National Association of School Psychologists (NASP)
- (5) American Psychological Association (APA)

(b) The Bboard may recognize ~~other entities as approval agencies~~ another entity as an approval agency if the entity can demonstrate in writing the following:

- (1) The entity is an organization that represents a licensed health care profession. ~~and~~
- (2) The entity has a documented Code of Ethics.
- (3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:
 - a. Maintaining and managing records and data related to continuing education programs.
 - b. Monitoring and approving continuing education providers and courses.
- (4) The entity has policies to avoid a conflict of interest between any provider and approval functions.
- (5) The entity has the capacity to evaluate courses to ensure compliance with Section 1887.4.0.

~~(6)-(c)~~ Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

~~(e)(d)~~ Failure of the entity to substantially comply with the provisions as set forth in Section 1887.4.2 shall constitute cause for revocation of recognition by the board.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22; and 4999.76, Business and Professions Code.

1887.4.2. APPROVAL AGENCIES RESPONSIBILITIES;

OPERATIVE (~~OAL to insert date – date is 6 months after effective date of these regulations~~) July 1, 2015

(a) Each Bboard-recognized approval agencies shall:

- (1) Evaluate each continuing education provider seeking approval in accordance with the ~~provider's ability to comply with the~~ requirements of ~~s~~Section 1887.4.3 of this Section.
- (2) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.
- (3) Provide the Bboard with the names, addresses and responsible party of each provider upon request.
- (4) Respond to complaints from the Bboard, providers, or ~~from~~ licensees concerning activities of any of its approved providers or their courses.
- (5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the Bboard and, upon request, report the findings of such reviews to the Bboard.
- (6) ~~Take action as is necessary to assure~~Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the Bboard; ~~and.~~
- (7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22; and 4999.76, Business and Professions Code.

§1887.4.3. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES;

OPERATIVE (~~OAL to insert date – date is 6 months after effective date of these regulations~~) July 1, 2015

(a) Persons or entities that provide A continuing education provider shall be either;

- (1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or
- (2) a board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education;
or

(3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

- a. American Association for Marriage and Family Therapy (AAMFT)
- b. American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
- c. California Association for Licensed Professional Clinical Counselors (CALPCC)
- d. California Association of Marriage and Family Therapists (CAMFT)
- e. National Association of Social Workers-California Chapter (NASW-CA)
- f. California Society for Clinical Social Work (CSCSW)
- g. California Association of School Psychologists (CASP)
- h. California Psychological Association (CPA)
- i. California Counseling Association (CCA)
- j. American Counseling Association (ACA)

- (b) ~~Each provider~~Providers shall ensure that each continuing education course complies with the requirements of Section 1887.4.0.
- (c) ~~Each provider~~Providers shall furnish each licensee a record of course completion as defined in Section 1887.11.0.
- (d) ~~Each provider~~Providers shall maintain records of completion of their continuing education courses for four (4) years as defined in Section 1887.12(b). Credit hours awarded shall be in compliance with ~~Section 1887.5 of this Section~~.
- (e) ~~Each provider~~Providers shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) ~~No provider~~Providers shall ~~not~~ discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) ~~The~~No provider shall ~~not~~ promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) ~~Each provider~~Providers must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association;
- (i) ~~Each provider~~Providers must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) ~~When an approved~~ provider works with ~~another's party~~ on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) ~~Each provider is~~Providers are responsible for meeting all applicable local, state and federal standards, ~~including which include, but are not limited to,~~ the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).

~~(f) Upon written request from the approval agency or the board, relating to an audit of course material, each approved provider shall submit such materials as are required by the approval agency or the board.~~

(l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.6. CONTINUING EDUCATION PROVIDERS:

INOPERATIVE (OAL to insert date — date is 6 months after effective date of these regulations) July 1, 2015

A continuing education course shall be taken from:

(a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or

(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.7. BOARD-APPROVED PROVIDERS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800 37A-633, Rev. 03/10/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.

- (f) Board-approved provider numbers are non-transferable.
- (g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority ~~C~~cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:
 - (1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;
 - (2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or
 - (3) a provider makes a material misrepresentation of fact in information submitted to the board.
- (b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the ~~three~~four license types regulated by the board. The decision of the continuing education appeals committee is final.

Note: Authority ~~C~~cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.9. COURSE ADVERTISEMENTS

This section shall be applicable only to continuing education providers who hold an active board-

issued continuing education provider number.

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.10. COURSE INSTRUCTOR QUALIFICATIONS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:
 - (1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;
 - (2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;
 - (3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or
 - (4) at least two years' experience in an area related to the subject matter of the course.
- (b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.11. RECORDS OF COURSE COMPLETION

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) provider number, if a board-approved provider;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.11.0 RECORDS OF COURSE COMPLETION:

OPERATIVE (OAL to insert date — date is 6 months after effective date of these regulations) July 1, 2015

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) Board-recognized approval agency name provider identification, or name of the board recognized provider offering the course; a statement that the provider is an entity recognized by the board to provide continuing education pursuant to Section 1887.4.3.
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:

- (1) syllabi for all courses;
- (2) the time and location of all courses;
- (3) course advertisements;
- (4) course instructors' vitae or resumes;
- (5) attendance rosters with the names and license numbers of licensees who attended the courses;
- (6) sign-in sheets; and
- (7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

1887.13 RENEWAL OF EXPIRED APPROVAL

A provider approval that has expired may be renewed at any time within one (1) year after its expiration, but before ~~January~~ July 1, 2015, upon all of the following:

- (a) Filing an application for renewal on a form prescribed by the board.
- (b) Payment of the renewal fee in effect on the last regular renewal date.
- (c) Payment of the delinquency fee in effect on the last regular renewal date.
- (d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL~~;~~

INOPERATIVE ~~(OAL EFFECTIVE DATE)~~ January 1, 2015

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

- (a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and
- (b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority ~~C~~ited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

1887.15 TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM

- (a) An entity~~Entities~~ wishing to become recognized by the Bboard as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the Bboard effective ~~(OAL to insert date that regulatory proposal goes into effect)~~ beginning January 1, 2015.
- (b) Effective ~~(OAL to insert date regulation package goes into effect)~~, Beginning January 1, 2015, the Bboard will cease accepting applications for Bboard-approved continuing education providers.
- (c) Beginning July~~Effective January~~ 1, 2015, all Bboard approved continuing education provider numbers will no longer be renewed.
- (d) Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015 or later are not eligible for renewal.
- (e) Notwithstanding any other provision of this aArticle, each Bboard approved continuing education providers may continue to provide continuing education coursework until the expiration of their continuing education provider number.
- (f) Board licensees may be credited with continuing education credits from a Bboard-approved continuing education providers if all of the following criteria are satisfied:
 - i. The Bboard-approved continuing education provider's Bboard-issued provider number was not expired at the time that the course was taken; and
 - ii. The continuing education course satisfied the course requirements set forth in

Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

Dated: _____

Kim Madsen
Executive Officer

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

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

AUTHOR: MAIENSCHIN **SPONSOR:** AUTHOR

PREVIOUS POSITION: SUPPORT IF AMENDED

SUBJECT: MILITARY SPOUSES: TEMPORARY LICENSES

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))
- 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:

- 1) Requires a board within DCA to, after appropriate investigation, issue a temporary license to an applicant who meets certain conditions (BPC §115.6(a) and (c)):
 - The applicant can provide evidence that he or she is married/in a domestic partnership/legal union with an active duty member of the Armed Forces of the United States who is assigned to active duty in California.
 - The applicant holds a current license in another state for the same profession or vocation.
 - The applicant submits a signed affidavit to the board that he or she meets all requirements for the temporary license.
 - The applicant submits written verification from his or her licensing jurisdiction that the license is in good standing.
 - The applicant has not committed any act in his or her current licensing jurisdiction that would be grounds for denial, suspension, or revocation of the license.

- The applicant has not been disciplined by a licensing entity in another jurisdiction or be the subject of an unresolved complaint or disciplinary proceeding.
 - The applicant submits a full set of fingerprints to the board.
- 2) States that the temporary license expires 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for an expedited license, whichever occurs first. (BPC §115.6(a))
 - 3) Allows the board to investigate the applicant for the purpose of denying or revoking a temporary license, including conducting a criminal background check. (BPC §115.6(b))
 - 4) Allows a temporary license to be terminated immediately upon a finding that the temporary licensee failed to meet any of the requirements for a temporary license or provided inaccurate information. (BPC §115.6(e))
 - 5) Requires an applicant seeking a temporary license as an engineer, land surveyor, geologist or geophysicist to successfully pass the appropriate California specific examinations required for licensure. (BPC §115.6(f))
 - 6) Allows a board to require an applicant to successfully pass a California law and ethics exam prior to issuing a temporary license, if passing such an exam is a requirement for full licensure. (BPC §115.6(g))
 - 7) Allows a board to adopt regulations to administer these provisions of law. (BPC §115.6(d))
 - 8) Exempts the California Architects Board and the State Board of Chiropractic Examiners from these provisions. (BPC §115.6(h))

Comments:

- 1) **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.

- 2) **Current Board Process.** The Board does not currently have a temporary license status, nor does it have licensing reciprocity with any other states. 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.

3) Bypassing the Licensure Process. As written, this bill requires that to obtain a temporary license, the military spouse must hold a current license in the same profession in another state. It does not require the following:

- That the licensing requirements in the other state in which the person holds a license be substantially equivalent to the requirements in California; or
- That the applicant passes all required Board administered examinations. (The bill has been amended so that the Board may require passage of the California Law and Ethics Examination.)

Each of the Board's four license types is currently required to pass at least one Board-administered examination. Passage of a Board-administered examination ensures that a candidate for licensure has competencies unique to the mental health environment in California.

Each applicant's education and experience is examined by the Board licensing evaluator during the review of the application. Bypassing this review, and the requirement of the passage of an examination tailored to address the unique mental health environment in California, could jeopardize consumer protection.

4) 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 of time. Having a practitioner whose temporary license expires suddenly could disrupt the continuity of care for patients.

5) 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. In addition, the re-programming costs would represent a significant fiscal impact to the Board.

In addition, staff is already experiencing licensing backlogs. Adding a new license type would increase staff workload, and therefore would likely create a need for new staff.

6) Recommended Position. At its May 23, 2013 meeting, the Board took a "support if amended" position on this bill, requesting the following amendments:

- An amendment requiring the temporary license applicant to provide a transcript to the Board;

- An amendment requiring the applicant to pass the California law and ethics examination prior to issuance of a temporary license; and
- An amendment allowing delayed implementation to accommodate DCA's transition to the BreZE database system;

7) Subsequent Amendments. This bill was recently amended to meet the Board's request that the applicant be required to pass the California Law and Ethics Exam prior to issuance of a temporary license. However, amendments exempting certain boards, and amendments requiring applicants for some other professional licenses to pass any required California-specific examinations prior to issuance of temporary license, has raised questions about the feasibility of implementing this bill.

8) Support and Opposition.

Support:

Easter Seals Disability Services
 Medical Board of California
 78 individuals

Support if Amended:

California Board of Accountancy
 California Architects Board

Oppose Unless Amended:

Contractor's State Licensing Board
 United Contractors

Oppose

California Fence Contractors Association
 Marin Builders Association
 Flasher Barricade Association
 Board of Behavioral Sciences

9) History

06/17/14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 16). Re-referred to Com. on APPR.
 06/05/14 In committee: Hearing postponed by committee.
 05/29/14 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.
 07/01/13 In committee: Set, first hearing. Testimony taken. Further hearing to be set.
 06/24/13 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.
 06/13/13 Referred to Com. on B., P. & E.D.
 05/29/13 In Senate. Read first time. To Com. on RLS. for assignment.
 05/29/13 Read third time. Passed. Ordered to the Senate. (Ayes 75. Noes 1. Page 1734.)
 05/28/13 Read second time. Ordered to third reading.
 05/24/13 Read second time and amended. Ordered to second reading.
 05/24/13 From committee: Do pass as amended. (Ayes 17. Noes 0.) (May 24).
 05/15/13 In committee: Set, first hearing. Referred to APPR. suspense file.
 04/30/13 From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (April 30). Re-referred to Com. on APPR.

04/23/13 In committee: Set, first hearing. Hearing canceled at the request of author.
04/23/13 Re-referred to Com. on B.,P. & C.P.
04/22/13 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.
04/02/13 Re-referred to Com. on B.,P. & C.P.
04/01/13 From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.
02/07/13 Referred to Com. on B.,P. & C.P.
01/29/13 From printer. May be heard in committee February 28.
01/28/13 Read first time. To print.

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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

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

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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