

## CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

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**BILL NUMBER: AB 1386**                      **VERSION: AMENDED APRIL 28, 2021**

**AUTHOR: CUNNINGHAM**                      **SPONSOR: AUTHOR**

**RECOMMENDED POSITION: SUPPORT (BASED ON PREVIOUS BILL VERSION)**

**SUBJECT: LICENSE FEES: MILITARY PARTNERS AND SPOUSES**

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### **Summary**

This bill would require licensing boards within the Department of Consumer Affairs (DCA) to grant fee waivers for the initial application fee, initial license issuance fee, and initial examination fee (if the exam is board-administered) 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 application fee and initial license issuance 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.
- 2) Also prohibits licensing board from charging an applicant who meets the above requirements an initial examination fee, if the examination is administered by the board. (BPC §115.5)

### **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 application fee, initial license issuance fee, and initial examination fee for qualifying military spouses.

The fees that the Board charges that are associated with the application and initial license issuance, and exam fees are as follows:

- Associate registration: \$150
- Application for licensure: \$250
- Law and ethics exam: \$150
- Clinical exam (only charged by the Board for LMFTs): \$250
- Initial license issuance: \$200

As the bill does not identify which specific fees are waived by name, the Board would likely need to run regulations to specify which fees are waived. For example, it is unclear if the intent of the bill is to waive associate registration fees. It is also unclear if exam fees are to be waived if an exam is attempted multiple times, or if both required exams (law and ethics and clinical) are intended to be waived.

This bill would create an inequity with the charging of the clinical exam fee. For the Board's LPCC and LCSW license types, the clinical exam is a national exam that is paid directly to the testing entity. Under the bill, these fees would not be waived. However, for the LMFT license type, the clinical exam is board-administered, so those applicants pay the fee to the board.

Also of note is that the above fees do not apply to all license types. LEPs do not have to register as an associate, and they only take one exam. Therefore, not all of the above fees apply to them.

Finally, the associate registration and clinical exam 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. Most (but not all) military spouses who qualify for expedited licensure would also likely qualify for the Board's licensure by credential pathway, which means they would not need to register as an associate or take a clinical exam.

**Fiscal Impact.** 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

This is an average of approximately 18 military spouses per year.

Since to qualify for the expedited license and fee waivers, these military spouses must already be licensed in another state, most of them will also qualify for the Board's licensure by credential pathway (that requires, among other things, an equivalent license held in another state for at least 2 years.)

To calculate the fiscal impact, staff will assume that approx. 75% of the military spouses (14 applicants per year) qualify and pay fees under the streamlined licensure by credential pathway, and 25% of them (4 applicants per year) must qualify under the Board's regular pathway to licensure (meeting all education and experience requirements and paying all fees.) Therefore, the fiscal impact would be as follows:

Military spouses qualifying through licensure by credential:

- Assume 14 military spouses per year
- Waived fees: application for licensure (\$250), law and ethics exam fee (\$150) and initial license issuance fee (\$200)
- Fiscal impact for these applicants is: 14 applicants per year x  $(\$250 + \$150 + \$200) = \underline{\$8,400}$

Military spouses qualifying through regular pathway to licensure:

- Assume 4 military spouses per year
- Waived fees: associate registration (\$150), application for licensure (\$250), law and ethics exam (\$150), clinical exam (assume board administered @ \$250), initial license issuance (\$200)
- Fiscal impact for these applicants is: 4 applicants per year x  $(\$150 + \$250 + \$150 + \$250 + \$200) = \underline{\$4,000}$

**Total Fiscal = \$8,400+\$4,000 = \$12,400**

**3) Policy and Advocacy Committee Recommendation.** At its April 16, 2021 meeting, the Policy and Advocacy Committee recommended that the Board consider taking a “support” position on this bill. This recommended position was based on a previous version of the bill, which proposed only waiving the initial license issuance fee.

**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.

SB 607 (Roth) would require licensing boards within DCA to waive the application and initial license fees for military spouses who qualify for an expedited license.

## **6) Support and Opposition.**

### **Support:**

- California Board of Accountancy
- Peace Officers Research Association of California

### **Opposition:**

- California Acupuncture Board

## **7) History**

### **2021**

04/28/21 From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.

04/28/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 19. Noes 0.) (April 27). Re-referred to Com. on APPR.

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.

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AMENDED IN ASSEMBLY APRIL 28, 2021  
california legislature—2021–22 regular session

**ASSEMBLY BILL**

**No. 1386**

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**Introduced by Assembly Member Cunningham**

February 19, 2021

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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 amended, 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~~ *application fee or an initial license issuance fee* to an applicant who meets these expedited licensing requirements. *The bill would also prohibit a board from charging an initial examination fee to an applicant who meets the expedited licensing requirements if the examination is administered by the board.*

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

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