

AMENDED IN SENATE AUGUST 18, 2010
AMENDED IN SENATE JUNE 21, 2010
AMENDED IN SENATE MAY 27, 2010
AMENDED IN ASSEMBLY MARCH 25, 2010
AMENDED IN ASSEMBLY MARCH 18, 2010
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2191

Introduced by Assembly Member Emmerson

February 18, 2010

An act to amend Sections 4984.7, 4989.68, 4996.3, and 4999.120 of, and to add Sections 4984.41, 4989.45, 4997.1, and 4999.113 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as amended, Emmerson. Healing arts: behavioral sciences: licensure.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, educational psychologists, and professional clinical counselors by the Board of Behavioral Sciences within the Department of Consumer Affairs. Existing law fixes the license fees and creates the Behavioral Sciences Fund in the State Treasury into which these license fees are deposited. Existing law specifies requirements for renewal of these licenses, including completing continuing education, as specified.

This bill would require the board to issue a retired license to a marriage and family therapist, clinical social worker, educational

psychologist, or professional clinical counselor who holds a license that is current and active or capable of being renewed, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action. The bill would prohibit the holder of a retired license from engaging in any activity for which an active license in his or her respective profession is required. The bill would provide that a holder of a retired license may apply to have his or her license restored to active status if the holder has not committed an act or crime constituting grounds for denial of licensure and the holder pays the required fee, completes specified continuing education requirements, and complies with fingerprint submission requirements, as specified. If the applicant’s retired license was issued 5 or more years prior to the application to restore to active status, the bill would also require the applicant to apply for licensure and pass the examinations required for licensure. The bill would fix the retired license fee at \$40.

This bill would incorporate additional changes in Section 4996.3 of the Business and Professions Code proposed by AB 2167, to be operative if AB 2167 and this bill become effective on or before January 1, 2011, and this bill is enacted last.

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 4984.41 is added to the Business and
- 2 Professions Code, to read:
- 3 4984.41. (a) The board shall issue, upon application and
- 4 payment of the fee fixed by this chapter, a retired license to a
- 5 marriage and family therapist who holds a license that is current
- 6 and active or capable of being renewed, and whose license is not
- 7 suspended, revoked, or otherwise punitively restricted by the board
- 8 or subject to disciplinary action under this chapter.
- 9 (b) The holder of a retired license issued pursuant to this section
- 10 shall not engage in any activity for which an active marriage and
- 11 family therapist license is required.
- 12 (c) The holder of a retired license shall not be required to renew
- 13 that license.
- 14 (d) The holder of a retired license may apply to restore to active
- 15 status his or her license to practice marriage and family therapy if
- 16 that retired license was issued less than five years prior to the

1 application date, and the applicant meets all of the following
2 requirements:

3 (1) Has not committed an act or crime constituting grounds for
4 denial of licensure.

5 (2) Pays the renewal fee required by this chapter.

6 (3) Completes the required continuing education as specified
7 in Section 4980.54.

8 (4) Complies with the fingerprint submission requirements
9 established by the board in regulation.

10 (e) An applicant requesting to restore his or her license pursuant
11 to subdivision (d), whose license was issued in accordance with
12 this section less than one year from the date of the application,
13 shall complete 18 hours of continuing education as specified in
14 Section 4980.54.

15 (f) An applicant requesting to restore his or her license pursuant
16 to subdivision (d), whose license was issued in accordance with
17 this section one or more years from the date of the application,
18 shall complete 36 hours of continuing education as specified in
19 Section 4980.54.

20 (g) The holder of a retired license may apply to restore to active
21 status his or her license to practice marriage and family therapy if
22 that retired license was issued five or more years prior to the
23 application date, and the applicant meets all of the following
24 requirements:

25 (1) Has not committed an act or crime constituting grounds for
26 denial of licensure.

27 (2) Applies for licensure and pays the fee required by this
28 chapter.

29 (3) Passes the examinations required for licensure.

30 (4) Complies with the fingerprint submission requirements
31 established by the board in regulation.

32 SEC. 2. Section 4984.7 of the Business and Professions Code
33 is amended to read:

34 4984.7. (a) The board shall assess the following fees relating
35 to the licensure of marriage and family therapists:

36 (1) The application fee for an intern registration shall be
37 seventy-five dollars (\$75).

38 (2) The renewal fee for an intern registration shall be
39 seventy-five dollars (\$75).

1 (3) The fee for the application for examination eligibility shall
2 be one hundred dollars (\$100).

3 (4) The fee for the standard written examination shall be one
4 hundred dollars (\$100). The fee for the clinical vignette
5 examination shall be one hundred dollars (\$100).

6 (A) An applicant who fails to appear for an examination, after
7 having been scheduled to take the examination, shall forfeit the
8 examination fee.

9 (B) The amount of the examination fees shall be based on the
10 actual cost to the board of developing, purchasing, and grading
11 each examination and the actual cost to the board of administering
12 each examination. The examination fees shall be adjusted
13 periodically by regulation to reflect the actual costs incurred by
14 the board.

15 (5) The fee for rescoring an examination shall be twenty dollars
16 (\$20).

17 (6) The fee for issuance of an initial license shall be a maximum
18 of one hundred eighty dollars (\$180).

19 (7) The fee for license renewal shall be a maximum of one
20 hundred eighty dollars (\$180).

21 (8) The fee for inactive license renewal shall be a maximum of
22 ninety dollars (\$90).

23 (9) The renewal delinquency fee shall be a maximum of ninety
24 dollars (\$90). A person who permits his or her license to expire is
25 subject to the delinquency fee.

26 (10) The fee for issuance of a replacement registration, license,
27 or certificate shall be twenty dollars (\$20).

28 (11) The fee for issuance of a certificate or letter of good
29 standing shall be twenty-five dollars (\$25).

30 (12) The fee for issuance of a retired license shall be forty dollars
31 (\$40).

32 (b) With regard to license, examination, and other fees, the
33 board shall establish fee amounts at or below the maximum
34 amounts specified in this chapter.

35 SEC. 3. Section 4989.45 is added to the Business and
36 Professions Code, to read:

37 4989.45. (a) The board shall issue, upon application and
38 payment of the fee fixed by this chapter, a retired license to a
39 licensed educational psychologist who holds a license that is
40 current and active or capable of being renewed, and whose license

1 is not suspended, revoked, or otherwise punitively restricted by
2 the board or subject to disciplinary action under this chapter.

3 (b) The holder of a retired license issued pursuant to this section
4 shall not engage in any activity for which an active educational
5 psychologist license is required.

6 (c) The holder of a retired license shall not be required to renew
7 that license.

8 (d) The holder of a retired license may apply to restore to active
9 status his or her license to practice educational psychology if that
10 retired license was issued less than five years prior to the
11 application date, and the applicant meets all of the following
12 requirements:

13 (1) Has not committed an act or crime constituting grounds for
14 denial of licensure.

15 (2) Pays the renewal fee fixed by this chapter.

16 (3) Completes the required continuing education as specified
17 in Section 4989.34.

18 (4) Complies with the fingerprint submission requirements
19 established by the board in regulation.

20 (e) An applicant requesting to restore his or her license pursuant
21 to subdivision (d), whose license was issued in accordance with
22 this section less than one year from the date of the application,
23 shall complete 18 hours of continuing education as specified in
24 Section 4989.34.

25 (f) An applicant requesting to restore his or her license pursuant
26 to subdivision (d), whose license was issued in accordance with
27 this section one or more years from the date of application, shall
28 complete 36 hours of continuing education as specified in Section
29 4989.34.

30 (g) The holder of a retired license may apply to restore to active
31 status his or her license to practice educational psychology if that
32 retired license was issued five or more years prior to the application
33 date, and the applicant meets all of the following requirements:

34 (1) Has not committed an act or crime constituting grounds for
35 denial of licensure.

36 (2) Applies for licensure and pays the required fee.

37 (3) Passes the examinations required for licensure.

38 (4) Complies with the fingerprint submission requirements
39 established by the board in regulation.

1 SEC. 4. Section 4989.68 of the Business and Professions Code
2 is amended to read:

3 4989.68. (a) The board shall assess the following fees relating
4 to the licensure of educational psychologists:

5 (1) The application fee for examination eligibility shall be one
6 hundred dollars (\$100).

7 (2) The fee for issuance of the initial license shall be a maximum
8 amount of one hundred fifty dollars (\$150).

9 (3) The fee for license renewal shall be a maximum amount of
10 one hundred fifty dollars (\$150).

11 (4) The delinquency fee shall be seventy-five dollars (\$75). A
12 person who permits his or her license to become delinquent may
13 have it restored only upon payment of all the fees that he or she
14 would have paid if the license had not become delinquent, plus
15 the payment of any and all delinquency fees.

16 (5) The written examination fee shall be one hundred dollars
17 (\$100). An applicant who fails to appear for an examination, once
18 having been scheduled, shall forfeit any examination fees he or
19 she paid.

20 (6) The fee for rescoring a written examination shall be twenty
21 dollars (\$20).

22 (7) The fee for issuance of a replacement registration, license,
23 or certificate shall be twenty dollars (\$20).

24 (8) The fee for issuance of a certificate or letter of good standing
25 shall be twenty-five dollars (\$25).

26 (9) The fee for issuance of a retired license shall be forty dollars
27 (\$40).

28 (b) With regard to all license, examination, and other fees, the
29 board shall establish fee amounts at or below the maximum
30 amounts specified in this chapter.

31 SEC. 5. Section 4996.3 of the Business and Professions Code
32 is amended to read:

33 4996.3. (a) The board shall assess the following fees relating
34 to the licensure of clinical social workers:

35 (1) The application fee for registration as an associate clinical
36 social worker shall be seventy-five dollars (\$75).

37 (2) The fee for renewal of an associate clinical social worker
38 registration shall be seventy-five dollars (\$75).

39 (3) The fee for application for examination eligibility shall be
40 one hundred dollars (\$100).

1 (4) The fee for the standard written examination shall be a
2 maximum of one hundred fifty dollars (\$150). The fee for the
3 clinical vignette examination shall be one hundred dollars (\$100).

4 (A) An applicant who fails to appear for an examination, after
5 having been scheduled to take the examination, shall forfeit the
6 examination fees.

7 (B) The amount of the examination fees shall be based on the
8 actual cost to the board of developing, purchasing, and grading
9 each examination and the actual cost to the board of administering
10 each examination. The written examination fees shall be adjusted
11 periodically by regulation to reflect the actual costs incurred by
12 the board.

13 (5) The fee for rescoring an examination shall be twenty dollars
14 (\$20).

15 (6) The fee for issuance of an initial license shall be a maximum
16 of one hundred fifty-five dollars (\$155).

17 (7) The fee for license renewal shall be a maximum of one
18 hundred fifty-five dollars (\$155).

19 (8) The fee for inactive license renewal shall be a maximum of
20 seventy-seven dollars and fifty cents (\$77.50).

21 (9) The renewal delinquency fee shall be seventy-five dollars
22 (\$75). A person who permits his or her license to expire is subject
23 to the delinquency fee.

24 (10) The fee for issuance of a replacement registration, license,
25 or certificate shall be twenty dollars (\$20).

26 (11) The fee for issuance of a certificate or letter of good
27 standing shall be twenty-five dollars (\$25).

28 (12) The fee for issuance of a retired license shall be forty dollars
29 (\$40).

30 (b) With regard to license, examination, and other fees, the
31 board shall establish fee amounts at or below the maximum
32 amounts specified in this chapter.

33 *SEC. 5.3. Section 4996.3 of the Business and Professions Code*
34 *is amended to read:*

35 4996.3. (a) The board shall assess the following fees relating
36 to the licensure of clinical social workers:

37 (1) The application fee for registration as an associate clinical
38 social worker shall be seventy-five dollars (\$75).

39 (2) The fee for renewal of an associate clinical social worker
40 registration shall be seventy-five dollars (\$75).

1 (3) The fee for application for examination eligibility shall be
2 one hundred dollars (\$100).

3 (4) The fee for the standard written examination shall be a
4 maximum of one hundred fifty dollars (\$150). The fee for the
5 clinical vignette examination shall be one hundred dollars (\$100).

6 (A) An applicant who fails to appear for an examination, after
7 having been scheduled to take the examination, shall forfeit the
8 examination fees.

9 (B) The amount of the examination fees shall be based on the
10 actual cost to the board of developing, purchasing, and grading
11 each examination and the actual cost to the board of administering
12 each examination. The written examination fees shall be adjusted
13 periodically by regulation to reflect the actual costs incurred by
14 the board.

15 (5) The fee for rescoring an examination shall be twenty dollars
16 (\$20).

17 (6) The fee for issuance of an initial license shall be a maximum
18 of one hundred fifty-five dollars (\$155).

19 (7) The fee for license renewal shall be a maximum of one
20 hundred fifty-five dollars (\$155).

21 (8) The fee for inactive license renewal shall be a maximum of
22 seventy-seven dollars and fifty cents (\$77.50).

23 (9) The renewal delinquency fee shall be seventy-five dollars
24 (\$75). A person who permits his or her license to expire is subject
25 to the delinquency fee.

26 (10) The fee for issuance of a replacement registration, license,
27 or certificate shall be twenty dollars (\$20).

28 (11) The fee for issuance of a certificate or letter of good
29 standing shall be twenty-five dollars (\$25).

30 (12) *The fee for issuance of a retired license shall be forty*
31 *dollars (\$40).*

32 (b) With regard to license, examination, and other fees, the
33 board shall establish fee amounts at or below the maximum
34 amounts specified in this chapter.

35 (c) *This section shall become inoperative on the date that Section*
36 *4996.1, as added by Section 4 of Assembly Bill 2167 of the 2009–10*
37 *Regular Session, becomes operative.*

38 (d) *This section is repealed as of the January 1 following the*
39 *date that it becomes inoperative.*

1 SEC. 5.6. Section 4996.3 is added to the Business and
2 Professions Code, to read:

3 4996.3. (a) The board shall assess the following fees relating
4 to the licensure of clinical social workers:

5 (1) The application fee for registration as an associate clinical
6 social worker shall be seventy-five dollars (\$75).

7 (2) The fee for renewal of an associate clinical social worker
8 registration shall be seventy-five dollars (\$75).

9 (3) The fee for application for examination eligibility shall be
10 one hundred dollars (\$100).

11 (4) The fee for the California jurisprudence and ethics
12 examination shall be a maximum of one hundred dollars (\$100).

13 (A) An applicant who fails to appear for an examination, after
14 having been scheduled to take the examination, shall forfeit the
15 examination fees.

16 (B) The amount of the California jurisprudence and ethics
17 examination fees shall be based on the actual cost to the board of
18 developing, purchasing, and grading that examination and the
19 actual cost to the board of administering each California
20 jurisprudence and ethics examination. The California
21 jurisprudence and ethics examination fees shall be adjusted
22 periodically by regulation to reflect the actual costs incurred by
23 the board.

24 (5) The fee for issuance of an initial license shall be a maximum
25 of one hundred fifty-five dollars (\$155).

26 (6) The fee for license renewal shall be a maximum of one
27 hundred fifty-five dollars (\$155).

28 (7) The fee for inactive license renewal shall be a maximum of
29 seventy-seven dollars and fifty cents (\$77.50).

30 (8) The renewal delinquency fee shall be seventy-five dollars
31 (\$75). A person who permits his or her license to expire is subject
32 to the delinquency fee.

33 (9) The fee for issuance of a replacement registration, license,
34 or certificate shall be twenty dollars (\$20).

35 (10) The fee for issuance of a certificate or letter of good
36 standing shall be twenty-five dollars (\$25).

37 (11) The fee for issuance of a retired license shall be forty
38 dollars (\$40).

1 (b) *With regard to license, examination, and other fees, the*
2 *board shall establish fee amounts at or below the maximum*
3 *amounts specified in this chapter.*

4 (c) *This section shall become operative on the date that Section*
5 *4996.1, as added by Section 4 of Assembly Bill 2167 of the 2009–10*
6 *Regular Session, becomes operative.*

7 SEC. 6. Section 4997.1 is added to the Business and Professions
8 Code, to read:

9 4997.1. (a) The board shall issue, upon application and
10 payment of the fee fixed by this chapter, a retired license to a
11 licensed clinical social worker who holds a license that is current
12 and active or capable of being renewed and whose license is not
13 suspended, revoked, or otherwise punitively restricted by the board
14 or subject to disciplinary action under this chapter.

15 (b) The holder of a retired license issued pursuant to this section
16 shall not engage in any activity for which an active clinical social
17 worker license is required.

18 (c) The holder of a retired license shall not be required to renew
19 that license.

20 (d) The holder of a retired license may apply to restore to active
21 status his or her license to practice clinical social work if that
22 retired license was issued less than five years prior to the
23 application date, and the applicant meets all of the following
24 requirements:

25 (1) Has not committed an act or crime constituting grounds for
26 denial of licensure.

27 (2) Pays the required renewal fee.

28 (3) Completes the required continuing education as specified
29 in Section 4996.22.

30 (4) Complies with the fingerprint submission requirements
31 established by the board in regulation.

32 (e) An applicant requesting to restore his or her license pursuant
33 to subdivision (d), whose license was issued in accordance with
34 this section less than one year from the date of the application,
35 shall complete 18 hours of continuing education as specified in
36 Section 4996.22.

37 (f) An applicant requesting to restore his or her license pursuant
38 to subdivision (d), whose license was issued in accordance with
39 this section one or more years from the date of application, shall

1 complete 36 hours of continuing education as specified in Section
2 4996.22.

3 (g) The holder of a retired license may apply to restore to active
4 status his or her license to practice clinical social work if that
5 retired license was issued five or more years prior to the application
6 date, and the applicant meets all of the following requirements:

7 (1) Has not committed an act or crime constituting grounds for
8 denial of licensure.

9 (2) Applies for licensure and pays the required fees.

10 (3) Passes the examinations required for licensure.

11 (4) Complies with the fingerprint submission requirements
12 established by the board in regulation.

13 SEC. 7. Section 4999.113 is added to the Business and
14 Professions Code, to read:

15 4999.113. (a) The board shall issue, upon application and
16 payment of the fee fixed by this chapter, a retired license to a
17 professional clinical counselor who holds a license that is current
18 and active or capable of being renewed and whose license is not
19 suspended, revoked, or otherwise punitively restricted by the board
20 or subject to disciplinary action under this chapter.

21 (b) The holder of a retired license issued pursuant to this section
22 shall not engage in any activity for which an active professional
23 clinical counselor license is required.

24 (c) The holder of a retired license shall not be required to renew
25 that license.

26 (d) The holder of a retired license may apply to restore to active
27 status his or her license to practice professional clinical counseling
28 if that retired license was issued less than five years prior to the
29 application date, and the applicant meets all of the following
30 requirements:

31 (1) Has not committed an act or crime constituting grounds for
32 denial of licensure.

33 (2) Pays the required renewal fee.

34 (3) Completes the required continuing education as specified
35 in Section 4999.76.

36 (4) Complies with the fingerprint submission requirements
37 established by the board in regulation.

38 (e) An applicant requesting to restore his or her license pursuant
39 to subdivision (d), whose license was issued in accordance with
40 this section less than one year from the date of the application,

1 shall complete 18 hours of continuing education as specified in
2 Section 4999.76.

3 (f) An applicant requesting to restore his or her license pursuant
4 to subdivision (d), whose license was issued in accordance with
5 this section one or more years from the date of application, shall
6 complete 36 hours of continuing education as specified in Section
7 4999.76.

8 (g) The holder of a retired license may apply to restore to active
9 status his or her license to practice professional clinical counseling
10 if that retired license was issued five or more years prior to the
11 application date, and the applicant meets all of the following
12 requirements:

13 (1) Has not committed an act or crime constituting grounds for
14 denial of licensure.

15 (2) Applies for licensure and pays the required fees.

16 (3) Passes the examinations required for licensure.

17 (4) Complies with the fingerprint submission requirements
18 established by the board in regulation.

19 SEC. 8. Section 4999.120 of the Business and Professions
20 Code is amended to read:

21 4999.120. The board shall assess fees for the application for
22 and the issuance and renewal of licenses and for the registration
23 of interns to cover administrative and operating expenses of the
24 board related to this chapter. Fees assessed pursuant to this section
25 shall not exceed the following:

26 (a) The fee for the application for examination eligibility shall
27 be up to two hundred fifty dollars (\$250).

28 (b) The fee for the application for intern registration shall be up
29 to one hundred fifty dollars (\$150).

30 (c) The fee for the application for licensure shall be up to one
31 hundred eighty dollars (\$180).

32 (d) The fee for the jurisprudence and ethics examination required
33 by Section 4999.54 shall be up to one hundred fifty dollars (\$150).

34 (e) The fee for the examination described in subdivision (b) of
35 Section 4999.54 shall be up to one hundred dollars (\$100).

36 (f) The fee for the written examination shall be up to two
37 hundred fifty dollars (\$250).

38 (g) The fee for the issuance of a license shall be up to two
39 hundred fifty dollars (\$250).

1 (h) The fee for annual renewal of licenses issued pursuant to
2 Section 4999.54 shall be up to one hundred fifty dollars (\$150).

3 (i) The fee for annual renewal of an intern registration shall be
4 up to one hundred fifty dollars (\$150).

5 (j) The fee for two-year renewal of licenses shall be up to two
6 hundred fifty dollars (\$250).

7 (k) The fee for issuance of a retired license shall be forty dollars
8 (\$40).

9 *SEC. 9. Sections 5.3 and 5.6 of this bill incorporate*
10 *amendments to Section 4996.3 of the Business and Professions*
11 *Code proposed by both this bill and AB 2167. It shall only become*
12 *operative if (1) both bills are enacted and become effective on or*
13 *before January 1, 2011, (2) each bill amends Section 4996.3 of*
14 *the Business and Professions Code, and (3) this bill is enacted*
15 *after AB 2167, in which case Section 5 of this bill shall not become*
16 *operative.*

O