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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, and Patterson, and
V. Manuel Pérez)**

(Coauthors: Senators Fuller and Huff)

January 28, 2013

An act to ~~amend~~ *add* Section ~~115.5~~ of *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 temporary license to expire 12 months after issuance, upon issuance of the expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

~~This bill would require a board within the department to issue a temporary license to an applicant who qualifies for, and requests, expedited licensure pursuant to the above-described provision if he or she meets specified requirements, except as provided. The bill would require the temporary license to expire 12 months after issuance, upon issuance of the expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. 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~~

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. ~~The bill would require an applicant, upon request by a board, to furnish a full set of fingerprints for purposes of conducting a criminal background check.~~

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 exclude from these provisions a board that has established a temporary licensing process before January 1, 2014.

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). The*
- 6 *temporary license shall expire 12 months after issuance, upon*
- 7 *issuance of an expedited license pursuant to Section 115.5, or upon*
- 8 *denial of the application for expedited licensure by the board,*
- 9 *whichever occurs first.*

1 **(b)** *The board may conduct an investigation of an applicant for*
2 *purposes of denying or revoking a temporary license issued*
3 *pursuant to this section. This investigation may include a criminal*
4 *background check.*

5 **(c)** *An applicant seeking a temporary license pursuant to this*
6 *section shall meet the following requirements:*

7 **(1)** *The applicant shall supply evidence satisfactory to the board*
8 *that the applicant is married to, or in a domestic partnership or*
9 *other legal union with, an active duty member of the Armed Forces*
10 *of the United States who is assigned to a duty station in this state*
11 *under official active duty military orders.*

12 **(2)** *The applicant shall hold a current license in another state,*
13 *district, or territory of the United States in the profession or*
14 *vocation for which he or she seeks a temporary license from the*
15 *board.*

16 **(3)** *The applicant shall submit an application to the board that*
17 *shall include a signed affidavit attesting to the fact that he or she*
18 *meets all of the requirements for the temporary license and that*
19 *the information submitted in the application is accurate, to the*
20 *best of his or her knowledge. The application shall also include*
21 *written verification from the applicant's original licensing*
22 *jurisdiction stating that the applicant's license is in good standing*
23 *in that jurisdiction.*

24 **(4)** *The applicant shall not have committed an act in any*
25 *jurisdiction that would have constituted grounds for denial,*
26 *suspension, or revocation of the license under this code at the time*
27 *the act was committed. A violation of this paragraph may be*
28 *grounds for the denial or revocation of a temporary license issued*
29 *by the board.*

30 **(5)** *The applicant shall not have been disciplined by a licensing*
31 *entity in another jurisdiction and shall not be the subject of an*
32 *unresolved complaint, review procedure, or disciplinary*
33 *proceeding conducted by a licensing entity in another jurisdiction.*

34 **(6)** *The applicant shall, upon request by a board, furnish a full*
35 *set of fingerprints for purposes of conducting a criminal*
36 *background check.*

37 **(d)** *A board may adopt regulations necessary to administer this*
38 *section.*

39 **(e)** *A temporary license issued pursuant to this section for the*
40 *practice of medicine may be immediately terminated upon a finding*

1 *that the temporary licenseholder failed to meet any of the*
2 *requirements described in subdivision (c) or provided substantively*
3 *inaccurate information that would affect his or her eligibility for*
4 *temporary licensure. Upon termination of the temporary license,*
5 *the board shall issue a notice of termination that shall require the*
6 *temporary licenseholder to immediately cease the practice of*
7 *medicine upon receipt.*

8 *(f) This section shall not apply to a board that has established*
9 *a temporary licensing process before January 1, 2014.*

10 SECTION 1. ~~Section 115.5 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~115.5. (a) Except as provided in subdivision (d), a board within~~
13 ~~the department shall expedite the licensure process for an applicant~~
14 ~~who meets both of the following requirements:~~

15 ~~(1) Supplies evidence satisfactory to the board that the applicant~~
16 ~~is married to, or in a domestic partnership or other legal union~~
17 ~~with, an active duty member of the Armed Forces of the United~~
18 ~~States who is assigned to a duty station in this state under official~~
19 ~~active duty military orders.~~

20 ~~(2) Holds a current license in another state, district, or territory~~
21 ~~of the United States in the profession or vocation for which he or~~
22 ~~she seeks a license from the board.~~

23 ~~(b) (1) A board shall, after appropriate investigation, issue a~~
24 ~~temporary license to an applicant who is eligible for, and requests,~~
25 ~~expedited licensure pursuant to subdivision (a) if the applicant~~
26 ~~meets the requirements described in paragraph (3). The temporary~~
27 ~~license shall expire 12 months after issuance, upon issuance of the~~
28 ~~expedited license, or upon denial of the application for expedited~~
29 ~~licensure by the board, whichever occurs first.~~

30 ~~(2) The board may conduct an investigation of an applicant for~~
31 ~~purposes of denying or revoking a temporary license issued~~
32 ~~pursuant to this subdivision. This investigation may include a~~
33 ~~criminal background check.~~

34 ~~(3) (A) An applicant seeking a temporary license issued~~
35 ~~pursuant to this subdivision shall submit an application to the board~~
36 ~~which shall include a signed affidavit attesting to the fact that he~~
37 ~~or she meets all of the requirements for the temporary license and~~
38 ~~that the information submitted in the application is accurate, to the~~
39 ~~best of his or her knowledge. The application shall also include~~
40 ~~written verification from the applicant's original licensing~~

1 jurisdiction stating that the applicant's license is in good standing
2 in that jurisdiction.

3 (B) The applicant shall not have committed an act in any
4 jurisdiction that would have constituted grounds for denial,
5 suspension, or revocation of the license under this code at the time
6 the act was committed. A violation of this subparagraph may be
7 grounds for the denial or revocation of a temporary license issued
8 by the board.

9 (C) The applicant shall not have been disciplined by a licensing
10 entity in another jurisdiction and shall not be the subject of an
11 unresolved complaint, review procedure, or disciplinary proceeding
12 conducted by a licensing entity in another jurisdiction.

13 (D) The applicant shall, upon request by a board, furnish a full
14 set of fingerprints for purposes of conducting a criminal
15 background check.

16 (e)

17 A board may adopt regulations necessary to administer this
18 section.

19 (d) This section shall not apply to a board that has established
20 a temporary licensing process before January 1, 2014.