

**ASSEMBLY BILL**

**No. 404**

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**Introduced by Assembly Member Eggman**

February 15, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 404, as introduced, Eggman. Healing arts: behavioral sciences: retired licenses.

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 requires 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.

This bill would specify that the license may be current and active or inactive.

Under existing law, 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. Existing law requires an applicant to apply for licensure and pass the examinations required for licensure if the applicant’s retired license was issued 5 or more years prior to the application to restore the license to active status.

This bill would reduce the number of years from 5 years to 3 years for a marriage and family therapist, clinical social worker, educational psychologist, or professional clinical counselor who holds a retired license to apply to have his or her license restored to active status without having to apply for licensure and pass the examinations required for licensure.

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 of the Business and Professions
- 2 Code is amended 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~~ *a license that is inactive,*
- 7 and whose license is not suspended, revoked, or otherwise
- 8 punitively restricted by the board or subject to disciplinary action
- 9 under this chapter.
- 10 (b) The holder of a retired license issued pursuant to this section
- 11 shall not engage in any activity for which an active marriage and
- 12 family therapist license is required.
- 13 (c) The holder of a retired license shall not be required to renew
- 14 that license.
- 15 (d) The holder of a retired license may apply to restore to active
- 16 status his or her license to practice marriage and family therapy if
- 17 that retired license was issued less than ~~five~~ *three* years prior to
- 18 the application date, and the applicant meets all of the following
- 19 requirements:
- 20 (1) Has not committed an act or crime constituting grounds for
- 21 denial of licensure.
- 22 (2) Pays the renewal fee required by this chapter.
- 23 (3) Completes the required continuing education as specified
- 24 in Section 4980.54.

1 (4) Complies with the fingerprint submission requirements  
2 established by the board in regulation.

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

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

13 (g) The holder of a retired license may apply to restore to active  
14 status his or her license to practice marriage and family therapy if  
15 that retired license was issued ~~five~~ *three* or more years prior to the  
16 application date, and the applicant meets all of the following  
17 requirements:

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

20 (2) Applies for licensure and pays the fee required by this  
21 chapter.

22 (3) Passes the examinations required for licensure.

23 (4) Complies with the fingerprint submission requirements  
24 established by the board in regulation.

25 SEC. 2. Section 4989.45 of the Business and Professions Code  
26 is amended to read:

27 4989.45. (a) The board shall issue, upon application and  
28 payment of the fee fixed by this chapter, a retired license to a  
29 licensed educational psychologist who holds a license that is  
30 current and active or ~~capable of being renewed~~ *a license that is*  
31 *inactive*, and whose license is not suspended, revoked, or otherwise  
32 punitively restricted by the board or subject to disciplinary action  
33 under this chapter.

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

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

39 (d) The holder of a retired license may apply to restore to active  
40 status his or her license to practice educational psychology if that

1 retired license was issued less than ~~five~~ *three* years prior to the  
2 application date, and the applicant meets all of the following  
3 requirements:

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

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

7 (3) Completes the required continuing education as specified  
8 in Section 4989.34.

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

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

16 (f) An applicant requesting to restore his or her license pursuant  
17 to subdivision (d), whose license was issued in accordance with  
18 this section one or more years from the date of application, shall  
19 complete 36 hours of continuing education as specified in Section  
20 4989.34.

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

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

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

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. 3. Section 4997.1 of the Business and Professions Code  
33 is amended to read:

34 4997.1. (a) The board shall issue, upon application and  
35 payment of the fee fixed by this chapter, a retired license to a  
36 licensed clinical social worker who holds a license that is current  
37 and active or ~~capable of being renewed~~ *a license that is inactive,*  
38 and whose license is not suspended, revoked, or otherwise  
39 punitively restricted by the board or subject to disciplinary action  
40 under this chapter.

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

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

6 (d) The holder of a retired license may apply to restore to active  
7 status his or her license to practice clinical social work if that  
8 retired license was issued less than ~~five~~ *three* years prior to the  
9 application date, and the applicant meets all of the following  
10 requirements:

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

13 (2) Pays the required renewal fee.

14 (3) Completes the required continuing education as specified  
15 in Section 4996.22.

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

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

23 (f) An applicant requesting to restore his or her license pursuant  
24 to subdivision (d), whose license was issued in accordance with  
25 this section one or more years from the date of application, shall  
26 complete 36 hours of continuing education as specified in Section  
27 4996.22.

28 (g) The holder of a retired license may apply to restore to active  
29 status his or her license to practice clinical social work if that  
30 retired license was issued ~~five~~ *three* or more years prior to the  
31 application date, and the applicant meets all of the following  
32 requirements:

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

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

36 (3) Passes the examinations required for licensure.

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

39 SEC. 4. Section 4999.113 of the Business and Professions  
40 Code is amended to read:

1 4999.113. (a) The board shall issue, upon application and  
2 payment of the fee fixed by this chapter, a retired license to a  
3 professional clinical counselor who holds a license that is current  
4 and active or ~~capable of being renewed~~ *a license that is inactive*,  
5 and whose license is not suspended, revoked, or otherwise  
6 punitively restricted by the board or subject to disciplinary action  
7 under this chapter.

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

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

13 (d) The holder of a retired license may apply to restore to active  
14 status his or her license to practice professional clinical counseling  
15 if that retired license was issued less than ~~five~~ *three* years prior to  
16 the application date, and the applicant meets all of the following  
17 requirements:

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

20 (2) Pays the required renewal fee.

21 (3) Completes the required continuing education as specified  
22 in Section 4999.76.

23 (4) Complies with the fingerprint submission requirements  
24 established by the board in regulation.

25 (e) An applicant requesting to restore his or her license pursuant  
26 to subdivision (d), whose license was issued in accordance with  
27 this section less than one year from the date of the application,  
28 shall complete 18 hours of continuing education as specified in  
29 Section 4999.76.

30 (f) An applicant requesting to restore his or her license pursuant  
31 to subdivision (d), whose license was issued in accordance with  
32 this section one or more years from the date of application, shall  
33 complete 36 hours of continuing education as specified in Section  
34 4999.76.

35 (g) The holder of a retired license may apply to restore to active  
36 status his or her license to practice professional clinical counseling  
37 if that retired license was issued ~~five~~ *three* or more years prior to  
38 the application date, and the applicant meets all of the following  
39 requirements:

- 1 (1) Has not committed an act or crime constituting grounds for  
2 denial of licensure.
- 3 (2) Applies for licensure and pays the required fees.
- 4 (3) Passes the examinations required for licensure.
- 5 (4) Complies with the fingerprint submission requirements  
6 established by the board in regulation.

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